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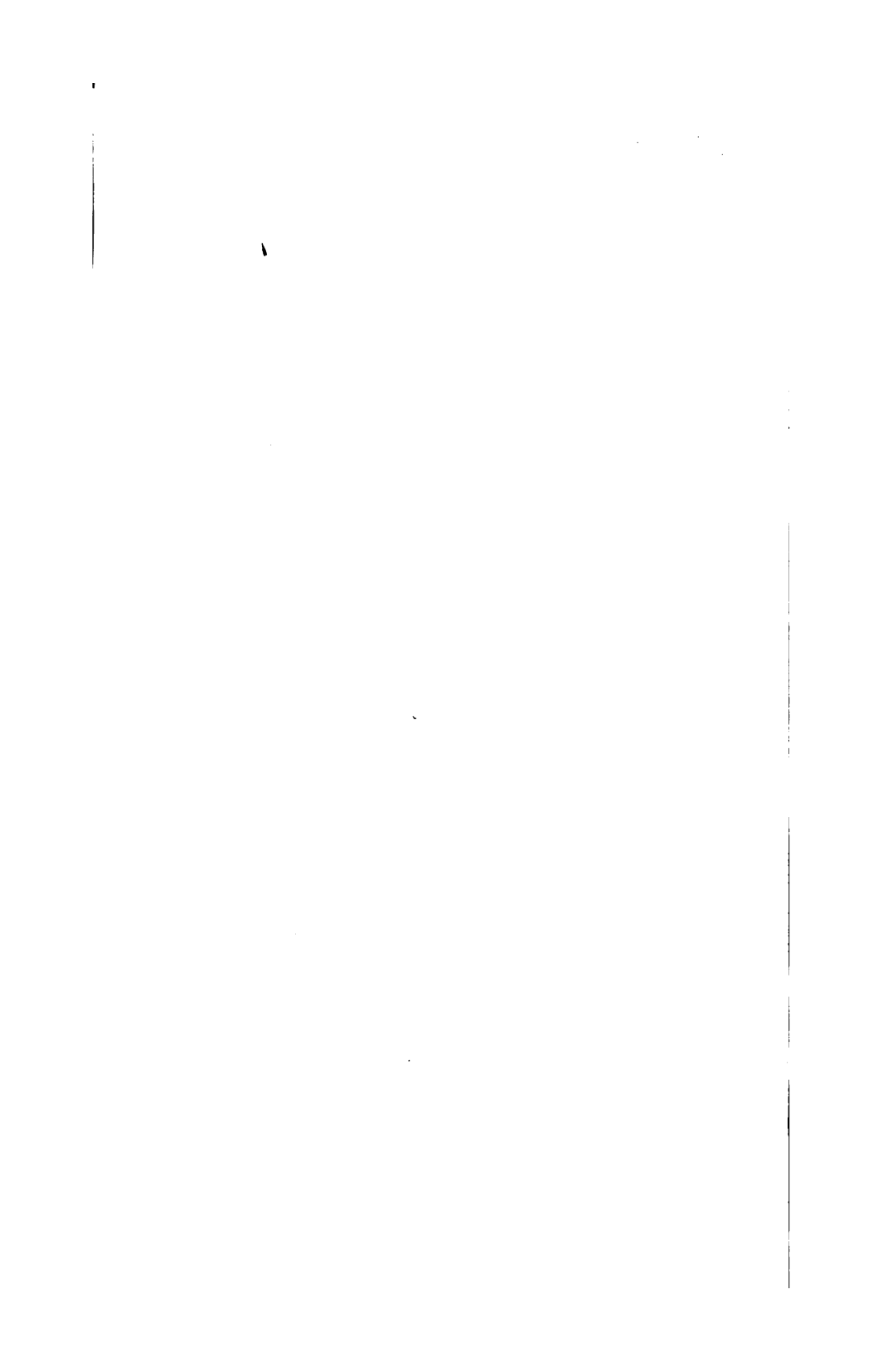


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A GUIDE TO MARINE INSURANCES,

CONTAINING THE POLICIES OF THE PRINCIPAL COMMERCIAL TOWNS IN
THE WORLD,

With the Details of clauses proper to be inserted therein, in order to avoid the inconveniences that might result from particular Laws and Customs, or from any omission of conditions in the printed contracts; also, Comparative Tables, exhibiting at a glance the principal conditions of the several Policies, and the risks warranted by them. Lastly, this Volume contains Remarks on the mutual relation between the Insured and Insurers.

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BY A

CLERGYMAN IN DEBT.

VOL. III.

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BY A

CLERGYMAN IN DEBT.

WRITTEN DURING HIS CONFINEMENT

IN THE

DEBTORS' PRISONS.

IN THREE VOLUMES.

VOL. III.

" AFTER seeing them properly accommodated for the night, I next attended the sheriff's officers to the prison. * * I expected, upon my entrance, to find nothing but lamentation and various sounds of misery, but it was very different. * * I found the prisoners very merry, and each prepared with some good trick to play upon the Doctor. * * In my opinion the heart that is buried in a dungeon is as precious as that seated upon a throne. * * And it were highly to be wished that legislative power would thus direct the law rather to reformation than severity."—
VICAR OF WAKEFIELD.

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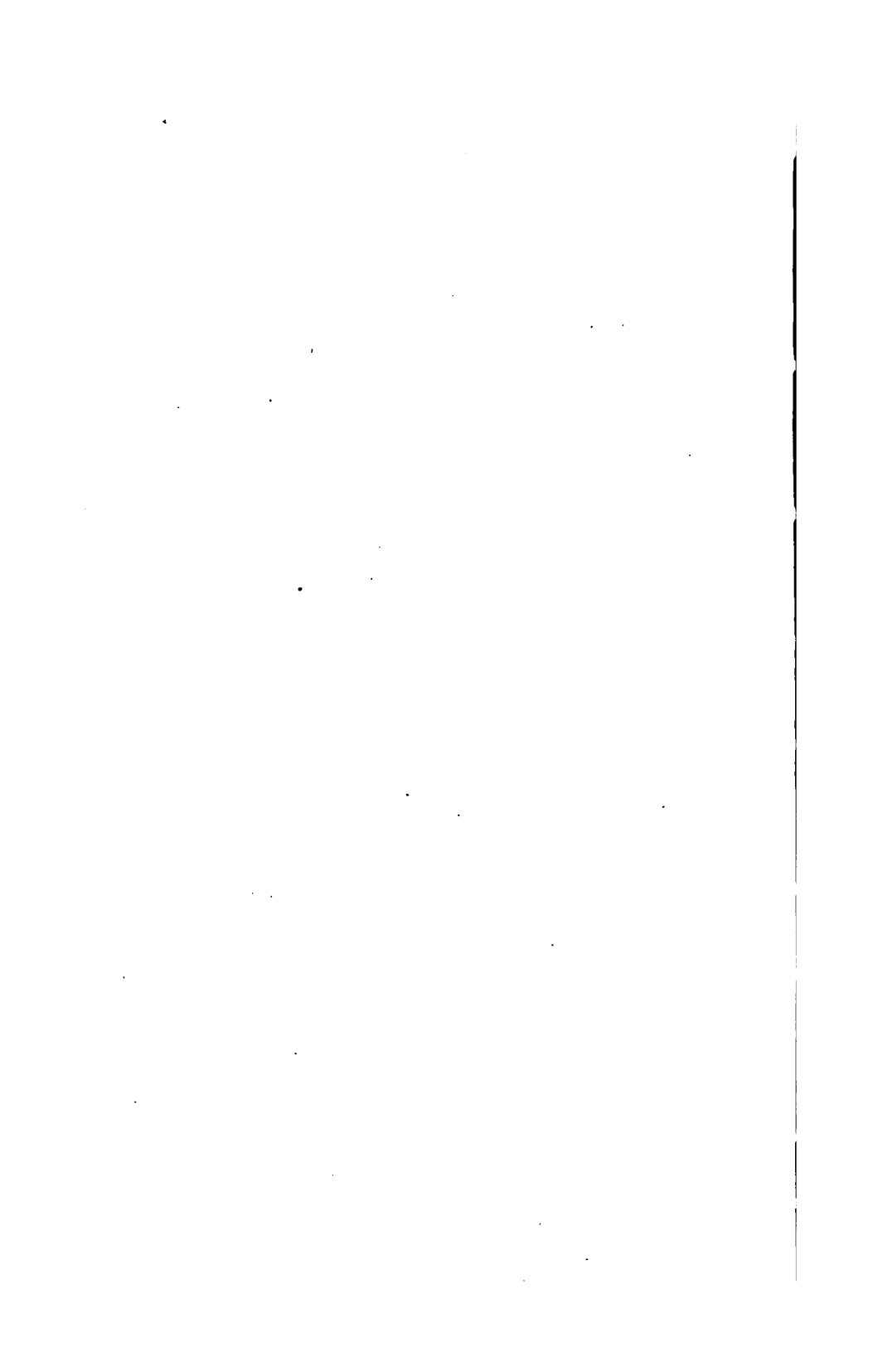
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PART IV.

WHITECROSS STREET.



WHITECROSS STREET.

CHAPTER I.

THE COUNTY PRISON—THE RECEIVING WARD.

And when I did descend again,
The darkness of my dim abode
Fell on me as a heavy load.

BYRON.

—————' Misfortunes have reduced them to the unhappy
state you now see.

ROSCOE.

It will be recollected that the Author, who, in each of our previous volumes, has been detailing a portion of his "adventures" in difficulty, to Charles Montford, had in the course of his narrative mentioned his committal for a short period to Whitecross-street, previous to his removal to the Fleet. He had alluded to the receiving-ward of that prison in a manner which proved him to have been impressed with the drama which he there

saw acted—even amidst his own heavy troubles; and the following account of the great gaol in which he was then confined, afterwards written by him at Montford's request, shows that grief cannot always subdue the capabilities of a nervous mind, to observe acutely upon what transpires within the focus of its intelligence, and to retain the impress of its observations in after time.

Whitcross-street Prison is by far the largest and most extensive of the gaols in which men in this county are confined for debt. Its prisoners are more numerous, its enactments and regulations more severe, its accommodations more restricted, and its society more mixed, than those of either the King's Bench, the Fleet, the Marshalsea—and we had nearly said Horsemonger-lane; but we recollected that the latter is a gaol simply fit for felons, and into which it is an inhuman outrage on the first principles of justice to confine a person who has not been guilty of some marked and heinous crime. The Whitcross-street Prison, which has not been erected more than a quarter of a century—if so long—

was built for the purpose of consolidating in one temple of sorrow, poverty, and guilt, the debtors' side of Newgate, the Poultry and Giltspur-street Compters, and the Ludgate prison, the three last of which were originally separate buildings in different parts of the City. The new prison was divided into wards, or compartments, named after the old gaols, and so called the Ludgate ward, the Giltspur ward, the Poultry ward, &c. Besides these, there is the Middlesex side of the prison, intended for prisoners arrested within the county, and the forty-shilling ward, for the debtors sent in by the orders of the Court of Requests, and whose embarrassments do not overtop the sum of forty shillings, until indeed they become doubled by the costs of law. We must also mention a receiving ward—the room into which debtors are ushered the first day and night of their imprisonment—a chapel, a sick ward, a strong room, a kitchen, and a sort of tap, to which the inmates have given the nomenclature of “the Scratch”—and I believe we have told of all the departments and divisions of one

of the most monstrous Leviathans of tyranny and iniquity ever raised by human injustice upon the curse-cemented superstructure of poverty, misfortune, persecution, dishonesty, and guilt. Within no walls, not excepting even those of the Bastille and the prisons of the Spanish inquisition, has there ever existed so deep and heavy a load of positive unhappiness—of actual heart-breaking acute misery. Greater torture of the limb, mightier exercise of terror, more severe personal suffering, and darker dungeon-like confinement, have, we know, often hurried men to confession or to death—have broken a coward, sometimes even a brave spirit; have crushed a weak constitution, and shattered the energies of youth and hope. But these effects have in all lands taken their rise in state tyranny:—they have been visited in the fear or the suspicion of governments, or by the mad superstition of priests; or they have been the punishments of desperate treachery, or atrocious penal crimes. Never have they been the result of a widely practised and openly avowed system, founded upon laws framed by a legislature in

support of a free constitution. Neither, we are prepared to prove, has the worst state or criminal prison in any other land,—and we are willing to retread the path of civilisation as far as one hundred years will take us back into times and practices of cruelty—disseminated so much real sorrow and real ruin too,—as the English Debtors' Prison of Whitecross-street, in an equal period of one, two, four, eight, or even ten years. For two instances in which they have guillotined a man's head in France, or crushed his body upon the wheel in Spain for state treason, religious heresy or civil murder, you will find ten where they have broken his heart in England—for debt! and for one instance where the Inquisition or the Bastille, having imprisoned a father in those lands, have also driven the family into exile, you may get fifty where an Englishman's confinement in Whitecross-street has plunged his wife and children into what are worse than a thousand exiles, starvation and despair. Individual suffering is undoubtedly greater in the state dungeon, but spreading, gathering, goading priva-

tion and misfortune,—emigrating as it were from the actual prison into the great heart of society, and poisoning the social springs of life,—take their rise and go abroad from the debtors' gaol. Effects more desperate, but never so dangerously distributed and so widely spread, may come from a Newgate or a Bastille. There is also this reflection;—that one punishment is the mighty hatred of a government crushing an individual, or Justice falling in retribution upon crime,—while the other is but the petty tyranny of one man over another, not a jot or tittle better than the system of West India slavery, which has been all over the country so vigorously decried. Indeed it is a strange but most probable inconsistency that many a hardworking Englishman may yet be deprived of his liberty for want of power to pay those taxes which will immediately arise out of a grant of twenty millions to pay for the emancipation of the blacks—the negro refusing *to* go to his work on his estate in the West Indies, the white taken *from* his work into the Giltspur or Middlesex wards. A most equal application of

the principles of freedom. Oh Ex and ousted Ministry of Whigs, why, when you voted away twenty millions of money, did you forget the abolition of imprisonment for debt!

But to return to Whitecross-street. It is our purpose to illustrate some of the evils to which its inmates are subject, and the aids to moral depravity and immorality which by its system it affords, as well as one or two instances of direful injustice of individual imprisonment, by a few cases and examples that have come within our knowledge since the commencement of these volumes; and we shall pave the way for these, by throwing some light upon the description of the prison and its inmates, and the uses and regulations in force and practice within its walls: and suppose we open our subject with

THE RECEIVING WARD.

Stronge be the walls aboute the stondis,
Wise be the people that within thē dwelles.

Lansdowne MSS.

It is after the debtor has passed the ordeal of the formidable black-looking gate, which opens from

Whitcross-street into the gloomy prison to which it gives a name;—after he has waited for some two or three suspensive minutes in the lobby, surveying the only petit apartment on his left, on the mantel-piece of which lie a few chains and hand-cuffs, while above are hung a file of firelocks and bayonets—as though the room which now gave shelter to a stray lawyer, an expectant friend, or a few weeping women and unconscious children, had formerly been intended as a guard-house for soldiers at the gate;—after the turnkeys have satisfied themselves of the bonâ fide nature of the writ or execution, have conned over the letters of his name, and have surveyed the colour and expression of his features;—that the sort of grumbling order is given to one of the officers of the gaol to pass the prisoner to the RECEIVING WARD. And to a novice the very way thither is appalling. He leaves the lobby, passes through iron banisters, with just sufficient room for one moderate sized person to make way between them, down some half dozen steps. He then finds himself in a narrow court—paved below—a wall before him—a wall on

one side—the black prison on the other—and the gate closed upon him behind. The court is not more than six feet wide, and the whole impression on entering it, even as a visiter, is that of melancholy. You ask yourself, “If the entrance is thus gloomy, what must be the heart of the gaol—if this passage, with the sky above it, is so dark, what must be the avenues with vaulted roofs through which I have yet to pass?” and the very question begets a sort of despairing sadness, which the scenes that follow contribute little to dispel. When pausing between the lofty gates, you may recal the verses of Dante on the Porch of Hell.

Per me si va nella città dolente,
 Per me si va nell' eterno dolore,
 Per me si va tra la perduta gente.

* * * *

Dinanzi a me non fur cose create;
 Se non eterne ed io eterno duro
 Lasciate ogni speranza voi ch' intrate.

And truly, if “all hope” seems to stop on the threshold of the prison, “despair eternal” not seldom reigns within.

On, however, goes the prisoner and his gaoler,

on through another court, and between another formidable avenue of iron bars, until he is obliged to leave the still fresh air of the uncovered causeway,

Where stifled breezes o'er no flowers play,

to step into the stone apartment, the shadow of whose ceiling darkens its own floor, which leads to a grated doorway in a passage beyond.

Here are two bells, hung after the manner of those which adorn the porter's lodge of a country gentleman's estate. Below each is an iron label, one essentially a doctor's label, for it tells of the "Sick Ward;" on the other is painted "Receiving Ward," the bourne of the new traveller's destination, that bourne from whence it is sadly uncertain how soon he may return.

The bell, however, is soon pretty violently sounded by a turnkey, and with as little compunction as if he had "rung peals in cathedral churches," before he took to a gaol, and the summons is responded to by the opening of a door on the first floor of a flight of stone stairs above. Then the debtor is let through, and to the demand

of "Who's there?" the turnkey shouts aloud, "Mr. Doe, Middlesex Sheriff," or "Mr. Roe, London Sheriff," or "John Parsons, Court of Requests," as the case may be—he hears the "all right," and is satisfied. The door is locked upon the new comer behind, and as soon as he has ascended the steps, and turned to his right into the Receiving Ward, he finds himself a prisoner installed. And then, if in the long wide furniture-less, desolate chamber, "void of all interior," save its fire, its tables, its wooden forms, and its inhabitants of many grades, into which he is then ushered, his grief be greeted with sounds of boisterous mirth, "a sad, unnatural merriment;" if he should find men who would not have spoken together in "their sunshine," conversing familiarly in misfortune—if he should see some of the poorer amongst them partaking freely from the ale jug, or the better circumstanced "drowning care" in the bottle—if he even find a draught-board—be greeted with a merry story, or catch the chorus of a laughter-moving song, let him not be too ready or too earnest to censure.

Let him not look with stern reproving glance
On the snatched joys of those poor prisoners,
Whom the harsh gaoler business, in his gripe
Fastens but too securely. —

Arrived in the Receiving Ward, the debtor, if he be at all respectable, is startled at the society into whose "strange circle" he finds himself cast. He will survey one group round the fire, that may consist of one, perhaps two gentlemen, two or three men of business of the middle class, and the rest labourers, the lowest and poorest of the "English *canaille*." A second small assembly may have gathered at the far end of the room—they will be talking or eating together; the man is the prisoner, the woman, who has just brought in their common dinner in a handkerchief between two plates, is the wife, and it may be that a child or two have accompanied her to partake their father's meal,—he is too poor to provide them with another at home. A third group is perhaps divided along the form, which reaches from the door to the steward's pantry: it presents a boy of fourteen or fifteen playing with his loaf, which has been handed to him on his entrance into the

prison, or seeking to catch flies on the wall, not well knowing why he has been brought or when he is to go away. Near to him is an Irish brick-layer, who has brought his trowel but left his hod behind; he has been taken in execution, when in the act of mounting his ladder, for *five shillings*; he is to wipe off his debt, forfeit his wages, and for the fine, deprive his family of the benefit of his labour, by remaining in Whitecross-street ten days. The new debtor turns his eye from the wooden form to a window at the other end of the room, at which he sees a young Frenchman weeping. It is not often that men weep. When they do so from trivial causes or misfortunes, it is accounted cowardly, and yet many an Englishman ushered suddenly into the French prison, "St. Pelagie," has wept himself to madness. That young Frenchman did not owe one penny in the world; he had been, however, served with a writ by some claimant with whom he had a running account;—that is, a piece of paper, of which he did not know the meaning, had been put into his hands and he had put it into his pocket. There it had

reposed, unheeded and undisturbed, until judgment had gone by default, and the Frenchman was taken from his lodging and brought to Whitecross-street. He could not speak one word of English; he had passed through high-walled courts, dark avenues and grated iron doors; he found himself suddenly in an apartment, large, dreary, desolate, and untenanted save by a few individuals, none of whom understood, while some laughed at his language. He must have fancied himself among criminals, for many of those around him he saw were of the vilest and most degraded of the community—dustmen, scavengers, sweeps. A feeling of degradation, if not of actual fear, near akin to horror, must have possessed him, and it is no marvel that he wept like a child.

At a little desk which projects between the two end windows, stands the steward of the ward, entering the name of a new comer, or it may be the breakfast or dining account, and on his right is the waiter, just emerging from his pantry sanctum with a table-cloth in his hand, which he is about to lay upon the wooden board or table at

which two individuals have been playing a game of chess, and for one of whom dinner is now to supersede the check mate. The whole picture is worthy of Cruikshank, and would moralise as well as the wisest and most philosophy-fraught of the paintings of Hogarth.

We have introduced, among the inmates of the ward, a mere boy and a bricklayer; and we have spoken of dustmen, scavengers, and sweeps:—we will make a remark upon the system which insults gentlemen and tradesmen, by putting them on a level with these offscourings of society, and which is at the same time equally injurious to the principles of industry and honesty, and the arguments of common sense. These poor men (if they must be called bad or dishonest men, punish them at Bridewell or the treadmill, and do not let their penance be the penance of the simply unfortunate) are brought into prison from the Lord Mayor's Court, the Sheriff's Court, and the Court of Requests, and their debts vary from one to forty shillings. The lowest term of their imprisonment is ten days; and they remain in prison one day for

every shilling they owe above ten of debt and costs. This does not pay the creditor, but it takes the men from their work, and it puts the country to an immense expense to keep them in idleness; at the same time the imprisonment often amounting to an absurdity in point of justice, for it was given in evidence before a committee of the House of Commons, that the Governor of Whitecross-street had, at one time, in the very receiving ward which we are describing, three poor prisoners, the joint amount of whose debts,—that is the debts, upon which they were detained,—did not come to half-a-crown; and yet for the ten pence which might have been the debt of one, the shilling of another, and the eight pence of the third, these persons must have remained in prison ten days each (unless the sum had been liquidated by some charity), at a much larger expense to the country than the detaining amount, while the creditor himself must have paid his own costs. And it is only fostering a bad principle of malice, to induce one man to spend money out of pocket, and to add to his own loss, for the mere gratification of punishing

another with imprisonment: *sic vos non vobis*—“they cut off the nose to revenge themselves upon the rest of the physiognomy.”—But to return to the ward.

Some few of the inmates are now assembled at dinner. To add to the length of the table, a board of regulations has been taken from the wall, and is now placed upon the drawer, which is drawn out at one end. Here sits the steward, fulfilling the office of president. He carves his joint, or deals out his hash, or cuts his cold meat for the guests, who sit on either side; the dinner service is of the coarsest, the bread is stale, and the beer (save and except a kind of strong ale, which they call ‘*ram jam*,’) thin, and all but sour: there is a bit of the heel of a cheese, little calculated to assist the digestion, which follows the meat, and then a general remove—for this the prisoner pays one shilling or eighteen-pence, we forget which. Breakfast and tea are to be had in corresponding style for sixpence each. After dinner the newcomers drop in faster, and at shorter intervals, and the evening generally assembles a numerous com-

pany—all the colours of Iris—though certainly not

The harmonious blending of the rainbow's hues.

Occasionally there are as many as twenty or thirty persons in the Receiving Ward; and the daily number of new prisoners, taken upon an average of the whole year round, is estimated at ten.

It is in the day-time that the distressing scenes are witnessed, during the visits of wives, mothers, children. At four o'clock these visits have ceased, and with evening begins the companionship of the prisoners—that strange, wild, incongruous, merging of inconsistent parts, into one united society, who betake themselves to conviviality, to banish their common woe. It is then odd to hear the barrister inquiring of the hair-dresser the process by which he has made his wig—the song-writer drinking out of the pewter flagon of the song-singer—the tailor offering to make, and the Jew to buy clothes—the baker *needing* more than ever, shut up in the great oven of the law, and confined at the suit of John Doe—the brewer with-

out a *copper*—and the blacksmith arrested for a bill, which his neighbour had *forged*—the brick-layer building castles instead of walls, and the plasterer declaring that his creditor *had laid it on too thick*—the carrier consuming the porter—and the porter with his weight transferred from his shoulders to his soul—the fishmonger wishing himself quit of the place, and the publican cursing the bars—the butcher, with his plaintiff's heart steeled against him—the sweep, with his *suit* adverse, and the cotton-spinner expecting to get out upon *bale*!

As in sponging-houses, the conversation of the receiving ward usually turns upon the difficulties of the temporary inmates, and each person tells his tale. Many acknowledge and triumph in a superabundance of villainy—some are the victims of misfortune only—others attribute their fate to treachery—and a few have the candour to acknowledge imprudence. Never, however, does an evening pass, that does not produce some truly hard case of desperate injustice—with sorrow, and perhaps ruin, as its consequence—to say nothing

of personal suffering and entailed shame. Indeed, to become thoroughly convinced of the iniquity of the law of arrest, one has only to spend a few days in the receiving ward of Whitecross-street Prison; although to get acquainted with its cruel and heart-rending operation, one must pass a temporary purgatory in the heart of the gaol!

As we have said, the hours of merriment and “mockery of heart” in the receiving ward, come with the evening, when all friends are gone—when the outpourings of affection cease—and love no longer exhibits its triumphs in tears. But “the talk and laughter” which follow, are of short duration; and those who have mind and nerve to reflect, must soon leave the scene of observation for one of repose—if, indeed, they can find repose for grief, which not only keeps man often waking, but troubles and disturbs his very slumber, teaching him to

Behold the immortal creatures of the brain—

——— A visionary train!

At ten o'clock, or a little after, for sometimes a short licence is granted, the steward or waiter of

the "ward," announces to the prisoners that they must retire; and, as their names are severally called over, they are each shown into one of three large rooms, furnished with iron barrack bedsteads, with palliasses and blankets, or you may procure the comfort of sheets, by paying a shilling per night to the ward steward. And noisy, indeed, is this turning into sleeping rooms—the woe-worn and the drowsy may pass, perhaps, quietly enough;—but the half tipsy, or half mad, follow like the insane attendants of Falstaff—

— And after them a merry troop went by,
Joining in laughing chorus;—

showing how different are the effects of misfortune and of crime, and how variously even sorrow itself will operate on different minds.

The prisoners, who are warded in either of the sleeping rooms, having undressed and laid themselves on their hard couches, quiet does not immediately follow; there will still be some two or three disturbed and disturbing spirits, ready to provoke a laugh with an obscene story or an awkward

jest; two of the lowest class, overcome and intoxicated with the strength of the ale, will be echoing each others sonorous, pig-like snore; a being of another grade may be stifling a sob on his pillow, while a few will lay restless and sleepless in thought. To those who really sleep, how painful must be the frequent dreams of difficulties so strong upon them, when all dreams have vanished, and they wake to the realities of life. One man arrested by the Jew plaintiff in the morning, rests at night upon a Whitecross-street pillow, only in fancy to

See, how the inexorable Jew
Glares on the victim fastened in his mesh,
And, with a fiend's voice, demands anew
His pound of flesh!
Yearning with feverish hate to go beyond
The passport of his bond!

Another is carried back to the home of which he was thinking, when he relapsed into slumber—his wife sits with him by his family hearth—his children are gathered round him—his youngest is dancing upon his knees. Innocence and happiness are before him, and about him—peace and plenty

have crossed his threshold, and are dwelling in his home. Now is his heart full of

Passionate thoughts, deep ecstasies that lie
Within us till we die !

Suddenly has the scene changed—Adversity has thundered at his door, and found admission—and Want and Poverty have followed with fidelity and speed. He is snatched from the circle of his domestic affections—he is hurried to a gaol, and the absence that begets sorrow in his wife, has given birth to forgetfulness in his younger children—

They hardly miss his presence now,
Whom once they loved so well.

The crisis draws on—executions are gathered in his house—his goods are seized and sold—and his family are left fatherless and penniless, with bare walls and an uncarpetted floor. The cry for bread is now echoing in the empty rooms—the stranger asks of his children—

Child, is thy father dead ?

And the little ones unconsciously tell him,

Father is gone !—

While the mother weeps for the hunger which she cannot allay. At last their garments are gathered away from them—the mother's first—they are pawned for the means of sustenance; and when this source fails, their suffering gains its crisis, and all the dreamer loves are grouped before him in his vision, starving, and almost naked too. Then, if he be awakened from his prison sleep, to what source of consolation does he fly—to another slumber, to be disturbed by such another dream—or the waking consciousness, that the first was but prophetic of the truth—that he is too truly the inmate of a prison—and that he knows not how soon his home may really become the scene of desolation which imagination has painted it in sleep!

As a sort of contrast to this, perhaps the person on the next or the opposite couch will lie, half humming a tune and half snoring it, dreaming with positive satisfaction of the next day, which will find him in his old quarters, and with his old friends. He has been in prison half his life, and likes it. He is glad to have returned, and when

he goes out, he will swear at the creditor who has sent his discharge.

My very chains and I grew friends,
So much a long communion tends
To make us what we are—even I
Regained my freedom with a sigh!

Exactly of such a mould and character is a prisoner now in Whitecross-street, who slept in the receiving ward on the night when it was my ill fate to be in his society. His name is Johnson—you have heard of Johnsons out of all memory—and various have been their final fortunes. Like the sons of the old woman——

Some have been hung,
And some have been drowned,
And some have been lost,
And never been found.

Hanging, perhaps, would suit my hero best.— Then you have heard of Johnson the Doctor and Dictionarian. Byron has furnished you from among the men of two British families,—

“ ————— Kith

Nineteen named JOHNSON, and sixteen named SMITH ! ”

Our police reports celebrate the achievements of Johnson the informer ; and the escape and adventures of Johnson the smuggler, are yet of mighty

note. Now I shall introduce you to Johnson the convict, who has twice had the honour of being enrolled in the Newgate Calendar, but who, I lament to tell, has not yet received that degree of *public attention* to which his merits entitle him.

This worthy, who rejoices in the Christian name of Thomas Jonathan, and is, as I have said, a prisoner in Whitecross-street, was, about ten or twelve years ago, tried at the Old Bailey Sessions, and found guilty of stealing a cheese. He was sentenced to be whipped, and, in flash phraseology, he “*took* the punishment!” Flesh wounds, however, are rarely dangerous, and Johnson’s back healed. When the pain thereof had ceased entirely, so as to be quite forgotten, and its memory departed from off the face of the spine, Johnson committed a fraud, which the judge mistook for a felony—or else a felony, which *he* mistook for a fraud; at all events, it came out after trial, that Johnson was ordered by the court to be transported to such place as his Majesty, with the advice of his Privy Council, should direct and appoint, for the term of seven years!

For some reason, however, this twice-convicted felon was not sent abroad, but was kept on board the hulks, at one of the dock-yards, and after wearing an iron on his leg for five years, was turned loose again into society, *upon* which—we speak literally—he has not only managed to exist, but to live well.

In the year 1831, his brother, Peter Johnson, being in Whitecross-street Prison, was, during his incarceration, made a bankrupt, and Jonathan Thomas Johnson, of Poole Terrace, City-road, wine-broker, was petitioning creditor, and proved a debt of one hundred and twenty pounds. Two other individuals who proved debts, have been since transported, one died in the House of Correction, and three others were well known gaol-birds.—In the course of the last year, Mr. Thomas Jonathan Johnson, became possessed (doubtless by some process consummately honest) of some warrants for the delivery of wines in the cellars of the London Docks.—Certain merchants, at the same time, alleging that the warrants had been got out of their hands improperly, directed the Dock

Company not to part with the wines. Johnson immediately brought an action against the Dock Company, which he lost, and he is now in the debtors' prison for the costs which it entailed. When I saw him, he intended to try for his liberation by means of the Insolvent Court.

Some of his innocent dupes may happen to read this—and to such we recommend the application, on their part, to Johnson, of a verse from a parody of Hood's:—

Johnson—I believed you true,
And I was bless'd in so believing;
But till this hour I never knew
That you were taken up for thieving!

Another inmate at Whitecross-street prison, for the costs of an action, came into the receiving ward while I was “in its stony durance,” and detailed to me the nature of his case. His name is Thomas Collins, and the circumstances of his imprisonment are peculiar and not uninteresting. He is the same Collins who lately figured in the newspapers in the case of the “Duke de Cadaval versus Collins,” in which the verdict was given

for the plaintiff, and an immediate execution issued against the "defendant,"—so that we presume he still remains a prisoner. The facts out of which the trial itself arose, did not transpire at the investigation, but were, long previous to it, put into our possession by the defendant. Mr. Collins, indeed, hearing that we were collecting examples of the causes of imprisonment for debt, forwarded to us, in the form of an epistle to a friend, a written statement of the transactions which gave rise to his own loss of liberty, a portion of which we shall at once subjoin for the entertainment of our readers. As a trial, however, has since been decided in court, we feel bound to publish the particulars as "Mr. Collins'" own statement—the onus resting upon his own shoulders, and for the truth of which we will not make *ourselves* responsible.—With this reservation we subjoin the

CASE OF MR. COLLINS.

Wherefore is he here?—BYRON.

Haine de l'étranger ——— !—BERENGER.

EPISTLE TO A FRIEND.

White X Prison, 11th Dec. 1834.

DEAR SIR,—In pursuance of our conversation yesterday, I propose giving you a few outlines of my past and present position; it would, as I then stated, be utterly unimportant to the author of the publication you named, merely that he and the world should know of my being in this sink of misery, but that my plaintiff is a conspicuous character, inasmuch as he was once the Prime Minister of Dom Miguel, Portugal's ex-king. My present narrative must have its date a few years back, and in the statement I am about to make (though not generally known to the world, from the incognito position I was bound to sustain for years in the Dom's cause, although unpopular with a large class of society), I feel convinced that your author will find something sufficiently interesting,

by which he will be enabled to show to his readers the vicissitudes we are subject to from different causes. I will proceed to the origin of my actual incarceration, and to do so, 1824 is the era I will commence on. The revolutionary movements of Dom Miguel, by the express consent, or rather approbation of his royal father, Dom Joao VI., in 1823, and April, 1834 (called the Abrilada), to crush the hydra then in ascendancy, gave birth to the Dom's protecting friendship towards me; and the immediate subsequent occurrences of Dom Miguel's visit to Germany, will oblige me to pass with rapidity to the date of his arrival in Lisbon, in March, 1828. His coming amongst the Portuguese was marked with the greatest enthusiasm; his popularity was never doubted by those who were *au fait* to Portuguese affairs. Still there were plans fabricated now and then by the factious party, to dethrone his Majesty, Dom Miguel; and amongst the most conspicuous were those of the 17th and 24th December, 1828. I was enabled to get possession of the signals and a number of documents, which prevented the most cold-blooded assassinations ever contemplated. Four

ruffians, whose names I have hitherto suppressed, having their dirks and dark lanterns, *were at my house* on the 24th December, 1828, for the express purpose of obtaining the signals, and thence assassinating Dom Miguel and the Dowager Queen, the Dom's mother. The governor (Senhor Rodriguez) of the prison called Cova da Moura, had it swept and prepared for the reception of the whole of the principal authorities, then marked down as victims of political fury, with whom was my present plaintiff. By secreting the signals, and my own person, I prevented this blood-thirsty revolution. To save the lives of the assassins, I was obliged to leave Lisbon in January, 1829, and come to England, leaving my friends and colleagues such instructions as would prevent the enemy from succeeding in any future attempts. Another attempt was absolutely made for the 16th February, 1829: but those in whom I had placed implicit confidence, obeyed the instructions I had given them, and transmitted me, through a member of the enemy's camp, Sir John Milley Doyle, K.C.B., the printed circulars, inclosing incendiary proclamations, and

thus was the plan for the 16th February frustrated. Dom Miguel's minister, then (and perhaps now) in London, the Viscount D'Asseca, not only required the continuation of my important services, but absolutely engaged to pay me for my past services, with the boon of 10,000*l.*, fully confirmed by the Portuguese ministry, insomuch that the noble Viscount stated, that no sum of money would be equivalent to what I had done. It would be next to impossible to quote the expressions of gratitude with which his hundreds of letters abound, requesting me never to abandon the cause; that the delay in the payment of the 10,000*l.* would surely not compel me to abandon them; exhorting me to have patience, that the money would eventually come to me, and that, had it been left to him, I should long ere this been settled with; it therefore became a *bonâ fide* debt due to me by the ministers of Dom Miguel, who gave their promises, that by every packet I might expect the money. The delay of payment caused the Viscount, from my pecuniary embarrassments, to establish me in the small monthly stipend of 20*l.* until the

ministers could conveniently remit me the 10,000*l.*, and this subsidy he continued to pay so long as he remained in London. When he departed, his successor, the Chevalier Saraiva, agreed with me on the same terms of 20*l.* per month, conditionally, that so soon as the Dom's ministers made a remittance for the payment of the 10,000*l.* the subsidy would cease ; thus would my services be secured, understanding from the first, that my present as well as future services would merit an extra 1000*l.* per annum. The duties were of such importance, that I am just now bound not to divulge them : suffice it to say, that whatever they were, I had the continual hearty thanks of those whom I served, viz. the Viscount D'Asseca, and his masters, Dom Miguel's ministers. Prior to the Viscount's departure, I placed my singular position before a gentleman learned in the law, for his opinion, as to the liability of the viscount, or the ministers of Dom Miguel (the Duke de Cadaval and the Viscount de Santa-rem) ; he gave me his decided opinion that I had a good claim upon the two latter, I therefore permitted the Viscount D'Asseca to depart unmolested,

supposing my claim to be entirely lost. The unjust, illiberal, ungrateful, nay cruel treatment I experienced from the Chevalier Saraiva, putting me off from day to day, relative to the payment of the little subsidy, promising week after week to rouse the authorities at Lisbon for their attention to my claim for services, leading me on to suppose that I should get paid, prevented my seeking a livelihood elsewhere. These unmerited occurrences brought me to Whitecross prison, here I lingered under Saraiva's promises near eight months, when I was obliged to seek my liberation viâ the Insolvent Court. The learned Commissioner stated that I had given up an important property (fourteen houses in the city) for my creditors, and ordered my immediate discharge. So honourably did my schedule show my conduct, that the learned Commissioner permitted me to be discharged the same day, though it is customary for insolvents to remain in custody until the day following. Suffice it to say, that my honourable conduct brought me to such a destitute situation, that, had it not been for the assistance of my friends, I must have inevitably perished.

Even so, many have been the days that I have eaten nothing until midnight, when I have returned home to my famished family of a wife and ten children.

But what a home was that! Neither bed, chair, or table did it then contain; and for nearly twelve months I had to endure the miserable sight of my poor innocent children and heart-broken wife, seeking repose on a boarded floor, with nothing but a few rags to make a pillow of. All my endeavours to obtain employment proved abortive. I would have gladly accepted any kind of employment, so that my family could have had bread! The harder was my fate, when his Majesty's Whig Government could have removed my difficulties by deciding an important claim I have upon the Portuguese nation for more than 113,000*l.*, a claim *purely commercial*, supported by legal documents, and so far tangible that two most respectable houses in the city, co-sufferers, have obtained from me mortgage deeds thereon to the amount of 6,000*l.* odd. Our present government, no doubt, will do justice in due time. Fortune, however,

seemed once more to smile upon me : the Duke de Cadaval and the Viscount de Santarem arrived in England, in consequence of the subsequent political changes in Portugal, the Duke at Falmouth, and the Viscount in London. Whilst I wrote to the former claiming my right, but submitting it to his judgment, not fearing that he would hesitate in bringing to a close my heretofore unfortunate claim, I waited upon the Viscount de Santarem, in Upper Norton Street. He told me at the breakfast table, upon his honour as a gentleman, and on his faith as a nobleman and minister, that he had long since given orders to pay me 5,000*l.*, being the half of the recognised debt, thus securing my services; he at his breakfast table promised to come to an understanding about money affairs, but alas he left London, and thus abandoned me in the midst of all my misfortunes, giving me the small sum of 5*l.* until his promised agreement was effected. In the mean time the Duke returned me *no* reply to my letter, I therefore determined, with the assistance of my friends, to proceed to Falmouth, and demand payment of what was justly due to me, viz. 10,000*l.* debt aforesaid, 6,000*l.* more, being a

thousand a-year for six years' most important services, and 200*l.*, a small balance upon a secret service. A writ of *capias* was issued for 10,000*l.* only, being the recognised debt. On my arrival in Falmouth, the Duke was soon under arrest, and he sent for the assistance of the Portuguese Consul, Mr. Lake, a banker there. It was agreed by them that 500*l.* should be paid to me in *part payment* of the 16,200*l.*, and that *caução* should be given for the rest (15,700*l.*) This proposal was brought to me for my approbation by the Duke's brother, the Duke de la Foens, to which I consented, understanding that *caução* meant security. It was then agreed that we (myself and the Duke de la Foens) should wait upon the Duke de Cadaval to effect the arrangement, which we did, and the proposal being repeated by the Duke de Cadaval, I, for the first time, discovered that *caução* meant *bail*. Upon my remonstrating on the misunderstanding of the word *caução*, the Duke gave his word and honour to abide by the agreement, and insinuated that he hoped I should not change my mind. A temporary agreement was therefore entered into between the Duke and myself, to the following effect:—

“ We, the undersigned, agree to the following conditions: First, his Excellency the Duke de Cadaval, pays five hundred pounds in lawful money of Great Britain, to Thomas Collins, as a payment in part of the writ issued in London, for 16,200*l.*, and for the remainder his Excellency to give bail immediately, to run the usual course of an action in the Court of King’s Bench, both of us, the undersigned, to abide by the result; the said five hundred pounds to be paid at nine o’clock to-morrow morning, for which Mr. Lake, the Consul, is responsible.

“ DUQUE DE CADAVAL.

“ THOMAS COLLINS.”

Falmouth, 5th January, 1834.

On the preceding being signed by us, I exonerated the sheriff’s officer from his charge, leaving the Duke’s house with the understanding that a proper agreement should be drawn out by his own solicitor, and at his own expense, on a stamp next morning, which was done to the same effect as the preceding, undertaking to put in bail within *twelve*

days; in lieu of which he was advised to take out a summons to show cause why the proceedings should not be laid aside from an irregularity in the writ of *capias*, the omission of the Duke's Christian name, due diligence not having been used to obtain it. Although I inquired of several Portuguese, some being officials at the time of the Duke's residence in Lisbon, and although I inquired at the Alien Office, and insisted upon having an interview with Mr. Capper, the principal officer of that department, who refused to inform me;—the want of due diligence being used was asserted by Baron Alderson, and by him the proceedings were laid aside; the learned judge refusing to read the Duke's undertaking to put in bail, which undertaking acknowledged the writ with all its errors. An application to the Portuguese Ambassador seemed to be necessary; but how could I apply to him when I had recently received a letter from that diplomatist, of which the following is a copy:—

London, 5th January, 1834.

“ Sir—In answer to your letter of the 13th, I have to inform you, that I have received orders

from my government, which prevent me from entering into any correspondence with you. I have therefore only to return you, enclosed, the papers you sent me, and am, Sir,

“ Your obedient servant,

“ C. P. DE MORAES SARMENTO.”

“ To Thomas Collins, Esq.”

The proceedings were quashed, the Duke indicted me for perjury, I was taken before Alderman Kelly at Guildhall, prepared with substantial bail, the Alderman refused to take bail in this case, and I suffered the degradation of being sent to Newgate. There I remained one week ere I could get justice done to me. Alderman Copland, in the mean time, rejected my bail, on the grounds that one of them was not personally acquainted with me, and it remained for the Lord Chief Justice of the Court of King's Bench to do justice to me, in taking the same bail which the magistrates had rejected. But who is to pay me for an unjust incarceration in Newgate? Finding my liberation certain, the Duke's solicitors advised my arrest for the 500*l.* paid to

me as aforesaid, and again have I lingered in Whitecross prison since the 1st October, no bail being sufficient for them. If I gave the Governor of the Bank of England, he would not suffice. And it was still more astounding to see their bill of costs for opposing my bail,—no less than 45*l.* 10*s.* ! but, thanks to the laws, they were reduced to 17*l.* odd by taxation. Having given a cursory statement of my present calamity, and I own I could not give any other in the absence of my papers, and in my excited state of mind, I have only to reflect that the man who saved the Duke de Cadaval's life, the man who has served the whole of his party with fidelity for many years, is held in bondage for money he does not owe : on the contrary, he is still a creditor to the amount of 15,709*l.*, and that man is

Your's faithfully,

THOMAS COLLINS.

Such is the statement of Mr. Collins, of the transactions which led to his imprisonment, and to say truth, there is a great deal of plausibility in the narrative. Such as it is, we shall place it before

the public without comment; although, out of justice to the Duke de Cadaval, we have added to the end of the volume, a note of the trial in the Court of King's Bench, as reported in the newspapers of the day.

The next morning, Mr. Collins and the rest of the prisoners in the receiving ward, were, at nine o'clock, sent into their respective wards down stairs, each person being shown into the section of the prison corresponding with the nature of his writ, and the county or shrievalty in which he was arrested, as men go to the King's Bench or the Fleet Prisons according to the courts in which their actions are laid. By the discretion and indulgence of the Governor of Whitecross-street prison, exceptions may, however, be occasionally taken to the prison rule, of taking persons out of the receiving ward the morning after their arrival. If it be their intention to remain in prison, they must be warded as a matter of course; but if they are expecting to be discharged in a day or two, or if they have lodged a *habeas* to move to the Bench

or Fleet, it is at the option of Mr. Barrett to allow them to remain in the receiving ward during the interval of delay.

Having mentioned the regulations in force in the receiving ward, it behoves us to communicate such information as we have gained respecting the other departments of the prison.

Whitecross-street is larger than any other of the debtors' prisons, and it is lamentable to record that the average number of persons confined annually within its walls for debt, amounts to no less than three thousand. This great gaol differs from all others appointed to the same purpose in the manner in which its occupants are accommodated. In the King's Bench, Fleet, Horsemonger-lane and Marshalsea prisons, rooms are awarded to the inmates, and if either place be so full as to require chumage, the prisoner can pay his lodger out; but Whitecross-street is simply divided into a number of large rooms, inhabited by the inmates in common. In the latter gaol, the day-wards accommodate, or rather incommode, from thirty-five to seventy or eighty persons, and the bed-wards

from ten to twenty ; but there is no such luxury or indulgence as a private room to be obtained for love or money.

As may easily be supposed, in the more densely populated wards, the daily disturbances and nightly riots exceed all that can be painted or described. True, there are laws for the maintenance of order, and stewards for the maintenance of the laws—but laws and stewards are with equal impunity defied. The prisoners are not, because they dare not be, positively uproarious in the day-time, but seem to have a vast sympathy with Moore in the assertion, that

The best of all ways
To lengthen our days

Is to steal a few hours from the night, my dear,

for night is indeed the time of their orgies. Theirs are truly Noctes—if not Noctes Ambrosianæ. Their pillows exchange hands—and heads; their revels are *Plu-* rather than *Pla-*tonic; and there is more of devil than philosophy amongst them. All sorts of tricks are played—all sorts of fines imposed—all sorts of disguises adopted. “White spirits

and black," erst carefully smuggled, are now brought boldly out, and swallowed with such compunction as the boa constrictor shows to the rabbit or the lamb. The peaceful, and even the sorrowing, are obliged to put up with the contrasting merriment and noise—the quiet are often obliged to quarrel—and the sleepy have little chance of being allowed to rest, until a sort of general exhaustion shall have put an end to the tumult of the night. The wards, indeed, can be compared only to the bed-rooms of boys in large public schools, the night previous to the breaking-up, when they consider themselves privileged to commit any outrage, and play off the most daring tricks. Strange that such unnatural hilarity should exist amongst men who must, most of them, have suffered deeply from changes of fortune and the inconstancy or heartlessness of the world.

It is one of the few advantages which appertain to Whitecross-street prison, that a man, be he ever so destitute, cannot there starve. Each prisoner is supplied with nearly a pound of good bread daily, and two pounds of beef weekly, pro-

vided he keeps the rules of the prison, one of which enacts, that he shall go to the chapel of the prison on Sunday morning, to attend divine service, or forfeit his allowance of meat. From this regulation, an idea has gained ground among the prisoners, that the meat is a mere reward to the church-goers; which is a mistake, inasmuch as the meat can be stopped for breaking any other of the prison rules, besides that which demands an attendance at divine service. Such persons as are *bonâ fide* Roman Catholics, Jews, or certified invalids, are exempted from the latter rule.

About eight hundred persons annually take the benefit of the Insolvent Debtors' Act, in Whitecross-street; and a great number of the more poorly conditioned among them receive assistance from charitable funds. Either a small sum is paid towards their expenses in taking the Act, or compositions are made with their creditors for their discharge. These moneys usually come either from the society in Craven-street or from funds distributed by the Governor, who receives them from several of the City companies, and who has fre-

quently declared, that it costs him as much time and trouble to dispense the charities and to negotiate with creditors for the discharge of prisoners, as to perform all his other duties. His exertions in this way on behalf of humanity, although unaccompanied by any other remuneration, have, however, procured him lasting reputation and great respect.

The distress and misery actually caused by Whitecross-street prison, predominates more without the walls than within, though sad evils are concentrated in the system which confines men sued for small sums of five or ten pounds or less, and which are usually more than doubled by law charges.—For how can a poor mechanic, unable to pay five pounds when at work, be expected to discharge an obligation increased to ten pounds by costs? He might remain in prison for ever, if the hand of charity were not stretched out to help him. You may recommend to him the Insolvent Court—but it should be remembered, that in order to go through that court, he must employ and pay an attorney, which he could not do in the most

moderate manner for less than five pounds,—perhaps more than his original debt.

We believe we omitted to mention, that there is a department for females in the prison—quite apart from its other divisions—under the title of *Matron's Ward*.—The hours for admittance, for visitors to the inmates of the prison, are from ten till twelve, and from two till four,—children can only obtain ingress twice a week. It is our purpose, in the next chapter, to devote a few pages to the illustration of one of those cases of heart-rending misery, which constantly take their rise out of the opportunities for immorality, seduction, and the destruction of domestic happiness outside the walls, continually afforded from *Whitecross-street prison*.

WHITECROSS STREET.

CHAPTER II.

THE DISCOVERY.

God, how the rapid reckless years
Roll by with an awful flight,
Yet leave behind on their spirit track
No gleam of lucid light;
No balm to soothe, no thought to bless
The memory with their happiness.—VICTORINE.

THE story we are going to unfold to our readers
is not one of romance,

No fairy tale to lull the heir,
No goblin grim the maids to scare.

It is one of stern and simple truth. It will prove
by what curious process and coincidence guilt may
be discovered, and how crime is not merely self-
destructive, but by what strange means it may

entail ruin upon others. The narrative, we trust,
will awaken interest, perhaps sorrow.

Men are we, and must grieve when even the shade
Of that which once was great has passed away.

* * * * *

Not twelve months ago there died, in Whitecross-street prison, a gentleman yet in the prime and vigour of life, but old in look, older in misfortune. He was a ruined man, and he wasted his way to the grave; he was married, and he left the world without a farewell from his wife; he was a father, and his dying bed was unattended by his children. He certainly had the society of his fellow-prisoners; but, in other respects, as far as the severing of all domestic ties had gone—the separation from all kindred—utter desolateness of heart—utter loneliness of spirit—broken hopes and banished love—his was a sort of civil death.

A willow grew beside the fount,
Whose spring was in his heart,
Weeping for ties that once were there,
But now were torn apart!

He had been rich, but he was not mourning for

his riches ; he had been extravagant, but he was not repenting his extravagance ; he had been generous, but he did not curse his generosity ; his was a grief that left its cause undiscovered to those who marked its effects ; but it did its work ; it consumed his frame slowly, surely, savagely ; it snatched the smile from his lips, and laid the silver on his hair, and carried all joy out of his countenance. His eye quailed under it, and lost its lustre ; his body bent under it, and lost its grace and dignity ; his heart-of-hearts was crushed under it, and broke—sorrow killed him. He might easily have emancipated himself from prison by taking the benefit of the Act, but he refused all pecuniary aid. He was like a man who had determined to make a pilgrimage to the Temple of Death, and who preferred to follow the journey by the surest and the saddest way. He had suffered some wrong, but he did not seem to be pining for vengeance ; he was too easily moved by appeals of nature to the heart ; he had been seen more than once to weep when mothers brought in their young children to see their imprisoned parents. If revenge

had ever actuated him, he must have conquered or suppressed it.

Sweet notes of home—of love—are all he hears;
And the stern eyes that looked for blood before,
Now melting mournful, lose themselves in tears.

With him, however, the fount soon ceased flowing
—he died !

* * * * *

There is one system of humane delicacy universally observed by the authorities of Whitecross-street, in the conduct of what is called the keeper's office—the place of business of the Governor and Deputy-governor, Mr. Barrett and Mr. Douglas. It is a rule laid down by both of these gentlemen, never to make themselves parties to the gratification of idle curiosity. Continued applications are made at the office for mere purposes of scandal and inquisitiveness,—‘whether or not Mr. G. or Mr. D. are inmates of the prison;’ and if the one question be answered, it is frequently followed by others, bordering on impertinence. Information regarding prisoners is therefore very properly

withheld when the parties seeking it are unknown in the office.

* * * * *

About two years back a smart genteel boy stepped into the keeper's office at Whitecross-street, and inquired of Mr. Douglas whether a Mr. Bone was not then a prisoner within the walls.

"What do you want with him?" was the evasive question of the deputy-governor.

"I wanted to know if he is married, sir?"

"What business can that be of yours? We can give no information."

The boy, thus repulsed, left the office. The conclusion was, that he was an attorney's apprentice, sent upon some sinister errand, and foiled.

The next morning a tall portly gentlemanly-looking man entered the office, accompanied by two lads, one of whom was the boy who had called the previous day, and presented a letter to Mr. Douglas. The note was from a highly respectable public functionary, well known to him; and it requested him to give the gentleman what information he consistently could.

Mr. Douglas, on perusing the note, immediately turned to the gentleman, and expressed his willingness to do so. "For many reasons," said he, "we make it a practice not to gratify the curiosity of strangers; not the least tangible of which is, that we have been often put at some distant day, into a witness-box, to give evidence upon the most simple matters that have transpired in conversation in this office. We are, therefore, always on our guard; but, sir, this letter, coming from so respectable a quarter, is enough for me; and I shall be happy to give you any information I can, now that I am persuaded your questions will not arise out of mere curiosity."

"Thank you, they will not—they will not," said the gentleman, earnestly. He then proceeded to put his questions.

"You have a prisoner here of the name of Bone, I believe?"

"We have."

"And he is, I think, married?"

"He is."

"His wife is a young woman, and pretty?"

"Yes, she is, something beyond pretty. I should call her beautiful."

"And she comes frequently to see him?"

"Nearly every day."

"Pray how does she comport herself?"

"As a modest, quiet, unassuming young person."

"Is she accounted virtuous?"

"Strictly so, and lady-like; indeed we have allowed her husband to walk with her in the passage without the ward, to avoid exposing her to the gaze of the multitude of libertine prisoners."

"Does she usually stay long?"

The Deputy-Governor hesitated; the questions seemed really to have no aim but curiosity, and he began to be doubtful of the propriety of saying too much of another man's wife. The gentleman perceived this. "I assure you," said he, hastily, "I do not ask these questions without having a personal interest in your replies. Much, very much, depends on them."

There was a slight agitation in the stranger's

manner, which, added to a recollection of the respectability of his introduction, induced Mr. Douglas to say—

“Well, Sir, I will go on ; I think you asked me if Mrs. Bone usually remained long with her husband. She does. She is accustomed to bring him a basket filled with such fare as he could not get in the prison, and she remains with him as long as the regulations will allow.”

“Is her behaviour to him affectionate? Such as would satisfy you from your own wife?”

“We have more than once remarked her apparent fondness for him ; and from what I have seen of her manner, I should consider her a pattern of modest, conjugal affection.”

The stranger's countenance betrayed an emotion something between a muscular contortion and a sneer. He however commanded his feelings while he thanked the Deputy-Governor.

“I am obliged to you for the information you have given me, however unwelcome it may be in truth. You have told me all—more than I could have wished to know. Judge if I am not interested—judge if I have acted from curiosity, when

I assure you that the lady of whom you have been speaking is MY WIFE, AND THE MOTHER OF THESE BOYS. Great God! I am a ruined man."

His voice broke and quivered as he said this, and when he ceased he hid his face in his hands, and sobbed aloud.

The Deputy-Governor has told us that it was positively dreadful to witness the gentleman's emotion. He was a fine, handsome, noble-looking person, not unlike his late Majesty George the Fourth. He seemed to carry his heart in his countenance; one a type of the other—open, generous, free. During the questions and answers which had transpired his features were under command; but you could see that it was a tyranny which the soul would not entirely brook—the colour ever and anon left, or rushed back into the cheek—the muscles moved in the face—and the eyes glistened less with the lustre of excitement than of tears; and at last, when the heart's feelings had gathered themselves into a mastery over mind, when he had gone through all the patience and pain of hearing—hearing too in the cold manner of one who simply communicated information,—that *his* wife, the mother of *his* chil-

dren, had been remarkable for her fondness and affection for another ; that she had disgraced him and his under the hypocritical shadow of modest beauty, and virtuous propriety ; that her adultery had worn the mask of holy conjugal affection—love unstained ; in short, that she had been gaining other men's approval, winning other men's respect, by the very actions which were to blast her husband's honour and destroy his peace ;—when, we say, with all the gradual torture of a tale that cannot be told at once, he discovered this, the fearful extent of his misery, and, when frenzied by it, in the madness of his anguish he sobbed aloud,—wildly, hysterically, and almost tearlessly too—for the tide of tears seemed to have rolled back upon his heart—his passionate sorrow was distressing even to horror, and it shadowed forth in gloomy strength a rare and terror-striking personification of Nature overcome by Grief.

When with an effort, almost as convulsive as the emotions which had caused his agitation, he so far recovered from it as to be able to speak, he said to Mr. Douglas, “ After what you have told me, Sir, I suppose you will not refuse to accompany me

home, and identify the unhappy woman whose guilt you have discovered to me. I would yet be made quite sure."

The Deputy-Governor could do no other than consent. The task was an unpleasant one, but it was entailed upon him by the information he had been induced to give. He went with the stranger to his house; he found the dwelling a short distance from town; it comprised the establishment of a gentleman of independence if not of wealth. He was shown into a back drawing-room by the gentleman himself; it was elegantly furnished, and although neatness seemed wanting in its arrangement, competence was at least every where visible.

While Mr. Douglas remained in this apartment, the stranger went into the front drawing-room for the first time to communicate to his wife the discovery he had made; for the first time to charge her with infidelity and the loss of fame. And oh! how earnestly, yet how indignantly was that charge repelled. The young and beautiful woman against whose honour it was made, at once shuddered at the aspersions and solemnly denied their truth; first, with the calm composure of conscious innocence;

next, with the passionate fervour of insulted virtue. Well and famously must she have schooled her tongue to the utterance of the vindication which she made. The Lady Julia was not more angered and abused by Don Alfonso her lord. Fervently she disclaimed even a knowledge of the prison; she knew not where Whitecross-street was, nor even that London contained a street with such a name. Some enemy had maligned her; some base conspiracy had been plotted to destroy her happiness. Could it be that her husband was at its head? did he wish to separate her from her children? did he wish to part from her himself.

The poor man was more than half staggered; her fervour, her loveliness, and his own affections (and tears), had nearly blinded him. He left her for a moment, and repaired to Mr. Douglas.

"Come," said he, "for God's sake, come and relieve my mind. I know not what to think. She declares the very name of your prison is unknown to her." He led the way, and Mr. D. followed. He entered the room in which the unhappy wife was still agitated with passion, and no sooner did she see

him than she exclaimed—"My God, it's all over ! There's Mr. Douglas, the Deputy-Keeper," and fell upon the floor in a swoon.

The scene that followed was almost beyond human endurance. Mr. Douglas, in recalling it, observed, "I have been many years in a situation which has thrown me into perpetual contact with heart-suffering sorrow and distress ; my heart may be supposed to be hardened by familiarity against such scenes, and I have acquired an iron sternness of command over my feelings, rarely and never easily moved ; and yet I declare to you, that so completely was I unnerved, so entirely was all firmness shaken, all philosophy lost, when I beheld the events of that morning's discovery, that I seemed to be imbued with the feelings of anguish which I saw roused, and covering my face with my hand, I positively wept like a child."

The guilty but really beautiful woman who had fainted at his feet, lay unheeded by her husband, but more with the apathy of momentary stupor than the mere unkindness of rage. Her long white draperied figure lay motionless, contrasted with the

crimson carpet, not more crimson than her crime, —so lovely and yet so lost. One long braid of her dark hair, which she had displaced in her passion, had now fallen over her features, as though it would hide them from those who might henceforth never see them but in shame; while one—the eldest—of her boys, as if he too thought to shut out the dishonour with the light, raised the gauze handkerchief which had dropped from her shoulders, and laid it gently over her face; then gathering himself beside his mother, he seized her hand, and kissing it with a touching and affectionate energy, laid his head upon the floor and sobbed.

The husband had stood looking at all this, almost in vacancy. If he had been agitated on the first discovery of his wife's infidelity, he now, when assured by conviction, seemed to have lost all power and strength. He could not move—he could not weep: closed alike were the sources of utterance and tears.

He did not speak, he did not sigh;
He did not move his glassy eye—
That gazed at nothing! but his look
Was still as death and mute as grief;
And then his tall frame bent and shook,
And quivered like a leaf!

But all this was the calm preceding the hurricane—the composure of despair foredooming an earthquake of the spirit! His boy's little mark of tenderness to his dishonoured parent first awoke him from his sullen grief. It touched a chord of feeling, but not that sensitive one which enables the burthened heart to gush forth its sorrow in tears; it was simply a chord of consciousness. The pride of his soul was roused, and it mingled with the agony of his outraged love; he had no more to *fear*, for he now knew all; but alas! he had also nothing to *hope*, and in his bosom raged the conflict of the other passions. Mr. D., trembled lest he should commit some desperate act of frenzy; and reason might indeed have lost its mastery had he remained longer in the presence of her by whom his heart and his affections had been wrecked. But he did not stay after his child began to sob; he could not bear to hear *him*; he raised his hands to his head, and clenching his hair passionately, he exclaimed—“ Oh God, save me from cursing her!” and rushed out of the room.

The Deputy-Governor rang the bell for the ser-

vants to attend their mistress, and left the house. Soon afterwards, when a calm but constant grief had succeeded the first paroxysms of suffering in the bosom of the unhappy man, when his wife was banished from his society, his boys sent to school, and himself alone, with a broken spirit and a widowed heart, he one evening requested the society of Mr. Douglas, to whom, with a resigned but sorrowful composure, he communicated the occurrence that had led him to the discovery of his wife's infidelity and his own disgrace.

He had married without interest, and his had been a marriage of affection. He was a man to love deeply, and to be deeply loved ; he might well too have been the object of a woman's choice ; he had an easy fortune, an attractive person, and a generous heart. His wife was young, lovely, and, to all appearance, fond ; their union was blessed with children, who grew before them in health and strength and beauty ; and to all seeming they were happy. He was happy in truth, and he believed her to be the same ; not happy only, but

constant, faithful, full of honour, modesty, and truth,—her heart the seat of purity.

————— A volume in whose leaves
No gentiment is traced,
That virtue, in her gravest mood,
Would wish to see effaced.

He had fixed her image in his mind and memory, and he was more in love with it than Pygmalion with his breathing marble. But if in absence he thought of her

————— by day,
In the cold and busy crowd,
Where the laughter of the young and gay
Is far too glad and loud,

how dearly did he adore her presence when he returned home; how kindly too, and with what sweetness of smile and word, would she meet his fondness; and yet it was *in absence* that she had deceived *him*.

His pursuits were mercantile. He had taken their present dwelling that his wife might have the benefit of a garden, sweet flowers, and pure air; but his business required that he should go daily

to town. His wife had a female friend, with whom she was in habits of affectionate intimacy, and who was her constant companion. When this lady was not staying with her, she would reverse the order of their visits, and leave home, after her husband's departure, to call on her friend, with whom she frequently stayed the whole of the day. At all events, it was thus her absence was accounted for.

* * * * *

One morning the gentleman was taking a turn in his garden, before breakfast, when he overheard a conversation between one of his servants and a painter's boy, who was engaged in painting his garden rails.

"I say," remarked the boy, "your missus goes out every day, doesn't she?"

"Yes," replied the girl, "she goes to see Miss H——."

"No, she don't tho', I knows better than that," said the boy, with the self-satisfaction of one who thinks he is more wise than his neighbour, and yet longs to let his extra-wisdom out.

"Doesn't go to Miss H——?" asked the girl in astonishment.

"No, doesn't go to Miss H——," said her companion; "there, what d'ye think of that, now?"

"Then where *does* she go?" queried the maid, with naive curiosity.

"Why, if you'll have a bit of patience, I'll tell ye."

"Come then, let's hear."

"Do you know the Iron Bridge?"

"Yes."

"Well, the other day, my master had the painting of that bridge, and it was rather a longish job; I think as how it took us near upon three weeks, and master and I did it all between us."

"Well."

"Well!" exclaimed the boy; "now, I'm blessed if I think it's as well as you fancy."

"Why, what's the Iron Bridge to do with my missus?" asked the girl, with feigned innocence.

"What time does your master go into the city?" continued the painter, without noticing her question.

"At ten o'clock."

“ And when does your missus walk out a visiting Miss H——, as you call her? ”

“ A little before eleven, generally.”

“ Well, you see that’s it. Now, strike my lucky if the clock ever struck eleven on the iron bridge, but we vas sure to see your missus walking over, with a basket in her hand, with her veil down, and holding her head funky—like, for all the world, as if she was ashamed on herself. So that my master used to say—‘ Jack,’ says he, ‘ I’m cursed if that lady comes over this bridge for any good, and that’s the whole of it.’ So, you see, if she’s told you she was agoing to Miss H——, she’s been a gammoning on ye.”

“ Laus !” replied the girl—“ well, I must go ; but I declares you’ve quite flustered me,”—and away she skipped on tip-toe, as if afraid that her new secret would betray itself in her walk.

When this conversation had transpired, the gentleman, at first shocked at hearing it, next doubted, and finally convinced himself, by love’s sophistry, that it was false, determined to give it up as a hoax, and laughed at his maid for being

“gammoned” by the painter’s boy. He went in doors, breakfasted with his wife, kissed her, and bade “good by,” with his accustomed fondness.

But, somehow or other, jealousy got a little hold of him after he left home, and without any seeming reason, prompted him to go to the city over the Iron Bridge. He crossed it without an adventure, as hundreds do daily ; but he had not advanced far beyond it on the other side, when he was startled on perceiving, hanging carefully within the portal of a pawnbroker’s shop, the very splendid dress which he had had made for his wife to attend the last coronation. He knew the dress ; he went to the door of the shop, identified it beyond doubt, and then stopped. His heart killed his courage—he could not go in to make an inquiry ; he fancied that jealousy had blinded his eyes, that what he saw was a vision, that he was a fool, if not a villain, for doubting his wife. His love conquered the conviction of his very sight, and he went to his office without making further progress in the development of the mystery that now shrouded the fair fame of his wife.

The whole of that day he was a miserable man—he could not rest. He turned into his private counting-house away from his clerks, sat himself before his table, fell into a train of thought, imagined the consequences of dishonour, pictured his own heart broken, his children orphans in their mother's love—his hopes converted into reeds, through which the winds of desolation might whistle and rejoice; his warmest affections shorn of that sacred resting-place, the bosom of his wife; his smile of fondness unreturned, his sigh echoing its own sadness, until the big round tears crept into his eyes and rolled over his cheeks, and blotted the paper, whose letters he wrote as through a mist, with an unnerved spirit and a fevered pulse. He was that day engaged to dine, at five o'clock, in the city with a friend; but at four he repaired to the street leading over the Iron Bridge, paused again before the pawnbroker's shop, again identified the dress, and again lacked the courage to go in. He feared to hear what he half felt would be told him, some story derogatory to his wife's virtue, confirmatory of his own thoughts—those thoughts

which had so lately troubled him to tears. He turned back and went to dine with his friend.

After dinner, somewhat heated with excitement, and exhilarated with the wine which that excitement had prompted him to drink, he took his road home *over the Iron Bridge*. He *now* had courage to enter the pawnbroker's shop; he made inquiries about the dress, and he found that it had been pledged by a lady in the name of a "Mr. Bone," a prisoner in Whitecross-street prison. The same lady had pawned a number of things in the shop in the same name—plate, linen, expensive dresses, and jewellery.

The gentleman did not ask to see any of these other articles—he was afraid. What he had heard was enough to chill his blood, even though it had been warmed with fifty bottles of wine, instead of one; his heart sickened at the thought of the lady being his wife. He would not require her description, and he determined to be uncertain about the dress; his affections were interested, his love made him yearn towards his wife, and he resolved not to condemn her on appearances. He went home—he

found her full of real loveliness and seeming innocence, he reproached his own jealousy, he met her joyous smile with renewed confidence, he kissed her forehead, he encircled her waist, he pressed her to his trusting heart, captivated with her youth and beauty, and reposing on her virtue and her love.

But the next morning, as he walked again in his garden, he called to mind the conversation between his servant and the painter's boy—he remembered his wife's dress; the pawnbroker's statement, and his own carelessness, or rather dread of inquiry, and his faith was again shaken. *That* morning he went to town without taking leave of his wife.—He took with him one of his boys.—In the course of the day he sent his son to make the casual inquiries at Whitecross-street, which Mr. Douglas had refused to answer—but before he went home, he called upon a friend to procure the letter of introduction to the Deputy-Governor, and the next day he went to Whitecross-street himself. The result of his visit is already known to the reader—how he was soul-stricken and spirit-broken—and

how he must thereafter reside away from his wife,
away from his children—his own heart a dwelling

That has sorrow for its second guest,
And is lonely as the tomb !

* * * * *

It was nearly a year afterwards, that Mr. Douglas heard the sequel of the story—on the occasion of the gentleman himself making his appearance at Whitecross-street, accompanied by bailiffs, in the capacity of a prisoner—an altered and a ruined man. To the Deputy-Governor he told all the changes that had followed the fatal discovery at which he had been present. On taking a survey of his dwelling, he found that it had been positively racked and ransacked of valuables, which his wife had pawned in order to procure money for her guilty paramour. The household affairs had been totally neglected and left to the management of the servants—the money which he had supplied weekly to pay the tradesmen's bills, had been appropriated to the disgraceful purpose of buying luxuries for Bone. Credit had been obtained for the whole

supply of the establishment—with butchers, bakers, grocers, milliners, jewellers, and his wine-merchant—on all of whom his wife had drawn for articles, either to take to, or to pledge for Bone.—And yet this Bone was neither a personable nor an educated man; he had occupied the low station of a common porter—whose stand had formerly been opposite to a house in which the gentleman resided in the city. Here the wife declared he had watched her—followed her on one occasion, when she had walked alone—and used threats and intimidation to extort money: indeed, she attempted to assert, that all the subsequent supplies which Bone had received from her were extorted by fear. It was a vain as well as a wicked defence.

After his separation from her, by a very expensive process, which tended to increase the embarrassments into which she had plunged him, he gave way to his grief and became reckless of his future condition in the world. His whole soul was absorbed in his sorrow. He neglected his business, abstained from society, gave himself up to a consuming melancholy, and almost wedded

the ruin which he saw must rapidly approach. It came, and he made no resistance—he had not attempted to arrange his affairs—his debts accumulated—and he sunk into the gulf of moral destitution, with his energies paralysed and his happiness gone. One short but sudden step carried him from competency to insolvency; and the next found him within the walls of a gaol.—His children were now adopted by a relative, and he had resolved never to see them more. He came to Whitecross-street prison, and remained there grieving away his life. None of his friends knew what had become of him: nobody ever came to see him—he lived in true loneliness of heart: his heart was always open to sympathy, and he never became a cynic; but it was too deeply seared ever to gather back the spirit of its former joyousness. He could not be happy again. He wept often at the sight of fervent affection, or domestic misery in others—but he never smiled. Like the misanthrope, mentioned by the poet, he was at all times and in all weathers sad.

I went to him one sunny day,
I thought that *sun* chased grief away,

And left the heart less like a tomb
 Than shadowy solemn silent gloom :
 I went, but even amid the glow
 Of glorious light, he still looked woe,
 And morning grey and evening dim
 Seemed even all alike to him.

Never in the heart of the forest, or among the lands of the desert, was there a man more utterly deserted, more truly desolate. The lightning had indeed stricken the tree, and left the trunk withered and the branches bare.

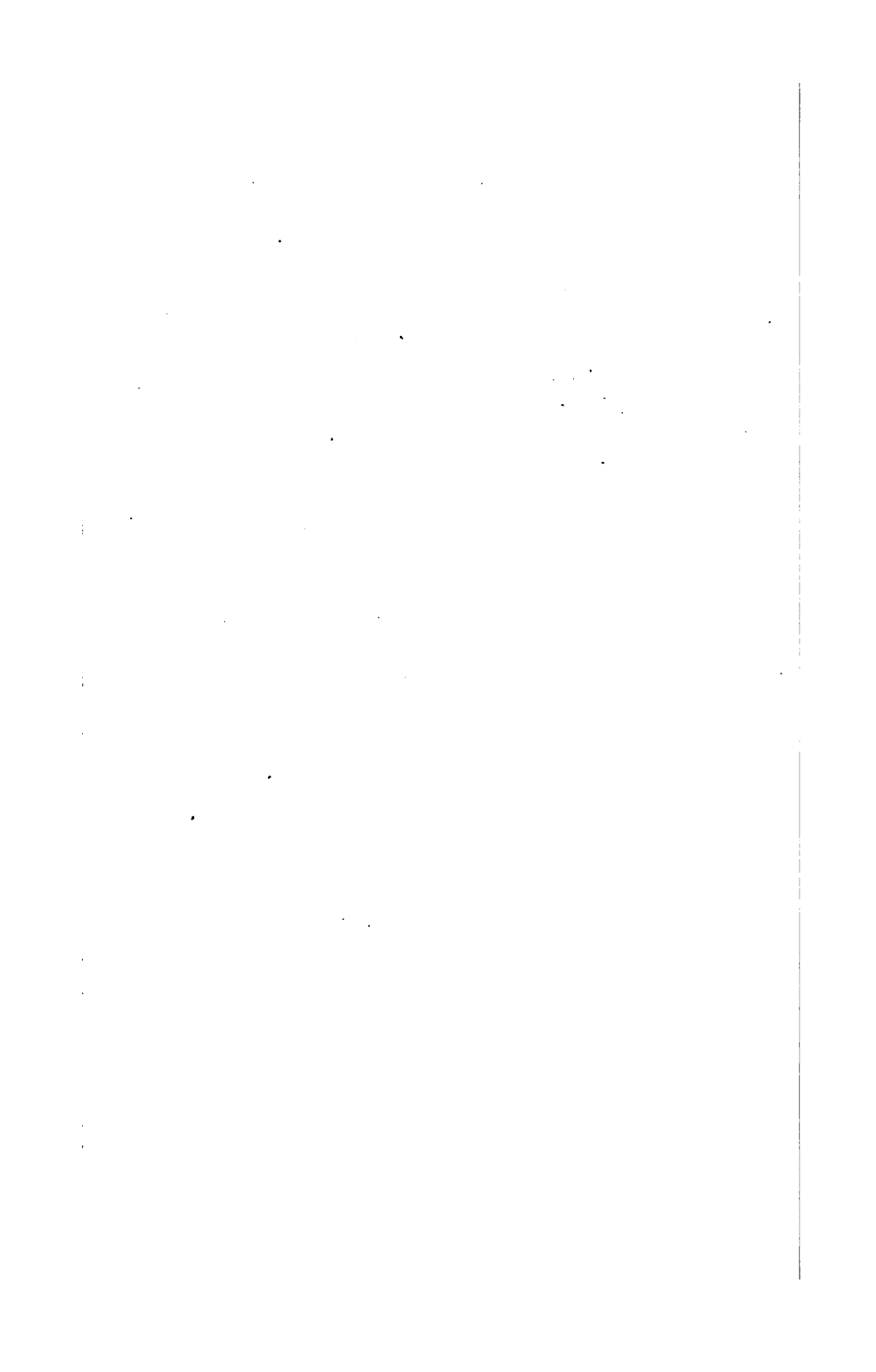
But *non semper tendit arcum Apollo*—he could not for ever bear up against his consuming sorrow. His body wasted gradually, and at last he died peacefully and cheerfully too—the first time he had been cheerful since his hopes had fled. No doubt his last moments were most welcome ; they were the ending of all his woes. To none more aptly than to him, could one apply that eloquently beautiful verse of Metastasio's, which denies that death is the worst of evils, since it is a relief for mortals who are tired with suffering.

Non è ver che sia la morte
 Il peggior di tutti i mali,
 E un sollievo pei mortali
 Che son stanchi di soffrir !

We regret that our space will not allow us to enter farther into a description of the scenes and miseries of Whitecross-street Prison. Could they be unfolded to the world in the true form of endless variety in which they occur, they would, indeed, enlist the interest and sympathies of the reader—but they require volumes for their development—and can only be hinted at in the narrow compass of a work like this.

PART IV.

THE KING'S BENCH.



THE KING'S BENCH.

CHAPTER III.

THE AUTHOR'S STORY CONCLUDED.

The year's mild cheering dawn
Upon thee shone a momentary light,
The gales of spring upbore thee for a day
And then forsook thee.

DANCE—*an American poet.*

WE bid farewell to Whitecross-street, to return to the King's Bench and take up the sequel of the Author's story. We are now in possession of the rest of his narrative, and we shall tell it in our own fashion, and take its responsibility upon our own hands.

It will be remembered, that the first evening the Author had passed with Montford in the Fleet, he had been summoned from the room to speak to

some visiter below ; that visiter was his wife. She had ventured, accompanied by a servant, to seek the prison of her husband ; obedient to his command that she should not show her face within its walls, she had procured permission to remain in the lobby, while her maid went into the gaol to give him notice of her arrival. He soon joined her, and in his heart loved her for coming, although he half scolded her with his lips. He looked at her ; saw her altered with anxiety, her features traced with tears, evidently shed on her way to the prison, and occasioned by the thought that she was about to meet her husband in a degraded situation, deprived of his liberty, and the sweet condolences of her unchanging love. This emotion had been quelled when she first entered the lobby, but at the sight of Nagle it became incontrollable, and she burst into tears.

The Author led her to a small window, which looked upon the prison yard ; he mastered his own feelings, for the turnkeys were present, and he endeavoured to compose, or at least avert the tenor of his wife's. " Lucy," said he, " how is our child."

"Oh, Henry, thank God he *is* better; you cannot tell how he has suffered—up to this very morning I thought we should have lost him; but he has changed *so* suddenly, and the doctor says he will get well now. I was *so* pleased that I could not resist coming to tell you myself, indeed I could not, although you told me that I must stay away."

"It was kind of you, Lucy, very kind; and I'm glad our boy is better; but dearest, you must not come again, I shall be soon out, and I cannot bear *you* to be near these walls."

At this moment one of the turnkeys mentioned that the warden was expected to pass through, and that Mr. Nagle could not stay longer in the lobby, he must go inside: "I must go now, Lucy, and so my dear must you—God bless you."

"What, won't they let me stay with you longer? Oh, how very very cruel—I had so much to say;" and her tears flowed afresh.

The Author drew down her veil to conceal her emotion. "Never mind, dearest—do not distress yourself—indeed I shall be free soon." He pressed

her hand. "Good by, Lucy, good by—take care of our boy, and write to me when he is quite well." He watched his wife out of the door, passed into the lobby, and rejoined Montford in his room. We have told how he spent the remainder of that evening, very different was the next.

When Nagle rose in the morning he found that Montford had departed, and he soon learned from the returning tipstaff that he had been removed to the King's Bench. The only person whom he slightly knew, and who had treated him with some civility, was gone. He was now very lonely, very anxious, and very poor! He found himself with only one or two shillings in his pocket, and he knew how sadly money was wanted at home. In this dilemma he determined to make his distressing situation available to his purse. He wrote to the editor of a literary periodical, offering to write for him a series of prison sketches, he believed that his offer would be accepted.

His letter was sealed and sent off; for a few hours he wandered about the prison, and casually into the coffee-room—it was four o'clock, and half-

a-dozen prisoners were dining—he sat down mechanically, and joined them. Dinner was just over, when the waiter told him he was wanted by a person in the gallery. He went out, and found his own servant, an Irishwoman, and the same who had the previous day accompanied his wife on her sad visit; she was crying.

“What is it, Kitty, what’s the matter?”

“Ah! thin, indeed, Sir, it’s all over.”

“All over! what Kitty, what do you mean?”

“Och, thin I’m sure Missus sat up all night, Sir.”

“Well, well—what then?”

“The child’s gone to God, your honour—he’s no more—he’s dead intirely! oh dear, oh dear, and the woman sobbed and roared with the wild sorrow-peculiar to the people of her country.

Nagle was for a moment silent; he was struggling with his own heart, and he mastered it. His first question was—“Kitty, how is your mistress, how did she bear the shock?”

“’Deed, Sir, better than I expected.”

“Thank God—did the boy suffer much.”

“Och, no Sir, barring the pain of the blister in

the night; but the docthor took that off; and thin he laid quite quiet, and smiled and looked for all the world like an angel: he died smiling, your honour."

Nagle felt the tears creeping into his eyes.

"Many's the time I nursed him, sir," continued the woman, "and a beautiful baby he was; and he'd soon have learnt to speak—and I was beginning to love him. Och! I'll break my heart; I know I will"—and another burst of grief, or rather excitement, followed. It recalled Nagle to himself.

"Is your mistress alone?" said he.

"Oh, no! your honour. I wouldn't have left her. 'Deed an' she has her mamma with her just now. What will I tell her, sir."

"Tell her—for my sake—but no, Kitty, say I'll write to her—go."

"I shall, sir;" but the woman still lingered.

"Do you want anything, Kitty."

"I suppose, sir, ye have no money—Missus hasn't a penny."

The Author put his last sixpence into her hand, but he could not speak. He turned silently away

with the tears in his eyes, and hurried along the gallery.

He had that morning procured an empty room without a fire-place, and he had prevailed with one of the turnkeys to put into it—a bedstead—a table, and a chair—nothing more. It was a favour with the functionary to have done this, for Nagle had no money! We forget; there were, besides the furniture we have named, a pen and ink!

Nagle turned into his apartment—he threw himself into his chair—laid his head upon his table, and began thinking of his child. He shed but few tears; but he had great sorrows; and the memories that thronged upon his mind, were of the saddest, because they were of happy days—happy days spent with his infant and his wife. We believe it was Dante who said, that nothing makes us more sorrowful, than to remember happiness in the midst of grief.

Nessun maggior dolore,
Che ricordarsi del tempo felice
Nella miseria.

This is very true. Nagle recurred to the happy night, when he had knelt with his wife in prayer to ask God to crown their love-marriage with children. He dwelt upon the fond fulfilment of that prayer, in the birth of his boy—upon the thanksgiving which Lucy had offered up before a holy altar—upon her happiness—the happiness of a young mother; his own pride—his own hopes—his own ambition, and then the joyous looks and laughing countenance of his infant. He remembered how it had smiled upon him the very morning of his arrest—smiled upon him in health, and strength, and beauty, and the full promise of life.

E'en in its glorious birth
It was a promise of much loveliness,
A bud to blossom in the wilderness
Of this unsmiling Earth !

He had hoped to have trained and educated its mind, and long, ere manhood, to have unfolded to it

————— knowledge fair
Lessons of the earth and sun
And of azure air !

And then in the fulness of its terror—he recol-

lected the event that had caused the untimely death—the visit of his wife to the sponging-house—her too long stay—the closing-in of a dark night—the absence of her brother—and her lonely flight along the desolate streets ! Then the effect of fright upon her delicate frame—the infant at that fatal moment imbibing its food—its subsequent illness—its patient sufferings—its calm and quiet death. It had died smiling, but its smile had not died ! A picture such as this, once written in poetry, flashed upon his memory, and fed his fancy, and made him weep.

Death found strange beauty on that cherub brow,
And dash'd it out. There was a tint of rose
On cheek and lip :—he touch'd the veins with ice,
And the rose faded. Forth from those blue eyes
There spoke a wishful tenderness,—a doubt
Whether to grieve or sleep, which Innocence
Alone can wear. With ruthless haste he bound
The silken fringes of their curtaining lids
For ever. There had been a murmuring sound
With which the babe would claim its mother's ear,
Charming her even to tears. The spoiler set
His seal of silence. But there beam'd a smile
So fix'd and and holy from that marble brow,—
Death gazed and left it there ; —he dared not steal
The signet-ring of heaven*.

* Mrs. Sigourney.

On—on—rode thought over the Author's heart and brain ; it retraced the past yet further back—to his residence in Gower Street—the fervid exclamation of the elder Miss Fairy—" May the great God afflict me with some dreadful punishment, if ever I arrest a fellow creature." The fact that she had arrested *him*, and that to his arrest might be attributed, as one of its consequences, the death of his child—that child, whom jointly with her mother and sister, the woman had pretended to doat on, and hypocritically nursed. In the bitterness of his soul, he cursed her in the face of heaven and before God—cursed her in her *own words, and with her own wish*—and both have been since fulfilled. She has had trouble falling upon her house ; *her* home has been desolated—*her* worldly goods sacrificed—her conscience stung with its own upbraidings and others taunts. As she was, to a certain extent, powerful without mercy, so is she now poor without help !

The Author thought on—once again of his wife—once again of his child—how it had lived—how it had died—*how it was to be buried !* He had

then *no money!* *Where* it might be interred he cared not—for he thought of it as Shelley once thought of a child of *his* :—

————— if a thing divine
Like thee can die,—thy funeral shrine
Is thy mother's grief and mine!

but the *means* perplexed him.

He was suddenly interrupted by a knocking at his door. He cleared his countenance in such hurry as he might,—and called to the intruder to come in. The door opened and a person—(by the way, a person whom he recognised as the publisher of the literary paper to which he had written) entered and presented him with a letter. He opened it—and in so doing something dropped from between its folds. It was a five pound note. The Editor delicately stated in his letter that it was to pay for articles which he might at a future time pen at his leisure,—at present he had better avail himself of his talent wherever else he could find remuneration. He never forgot—we who know him can add; he never *will* forget—this act of considerate gentlemanly generosity. He

who performed it may read this in common with the world,—and should he—let him gather as his own portion of the narrative the heartfelt thanks of the individual whom he served. The Author wrote a hasty letter in reply—despatched the publisher with it,—and after him the money, except one sovereign, by another messenger, to his wife. The same messenger brought back a short note from his wife:—

MY DEAREST HENRY,

It has pleased Almighty God to deprive us of our beloved infant,—to take him to His own Heaven. *Do not fret for me, for I am indeed resigned.* Bless you a thousand times. I cannot really write more now.

Your own

LUCY.

This note, the effusion of a bewildered brain, was blotted with tears that must have fallen fast, for they nearly effaced the writing. Nagle read it, and it in a manner consoled him, for he had philo-

sophy enough to bear with moderate personal sorrow, the death of his child; but he dreaded, anxiously dreaded, lest it should be followed by the illness of his wife.

That night the Author retired early to rest,—such rest as misery and poverty jointly bestow,—but in the morning he received additional consolation. Lucy's brother called. He told Nagle that his wife had left her apartments and accompanied her mother home,—the society of her family would, under the circumstances, tend materially to alleviate her grief; and her father had made all proper arrangements for the interment of the child. He also said that he would call on Nagle, but not until his boy should be buried, and his wife have regained enough composure to write to him the history of what had passed in his unhappy absence.

From the date of his brother-in-law's departure: a week of intense anxiety and misery passed over the head, he made no attempt to gain his liberty, he was visited by no friend,—and was forced to derive his bare subsistence from the produce of a few papers which he wrote for a periodical, that

could afford to pay but little to its contributors. But at the end of a week his father-in-law brought him a letter from his wife—and told him that every proper attention had been paid to the interment of his child according to his rank in society. He was not then in a condition to render him assistance, but his first object now should be to rid himself of the trammels of the law. Nagle coincided with this opinion, his father-in-law left him, and he then opened the letter of his wife, of which the following is a copy:—

Golden-square.

MY VERY DEAREST HENRY,

If I were not a poor grieved weakened creature, I never could write what you will now have to read; for if I were in health and strength I never could be so calm as illness and sorrow combined have made me. Since the death of our poor darling infant I have been comparatively resigned, but *before* that you cannot imagine what I have suffered. If you had been with me I think I should have died, and I really believe that it was

nothing but the dividing of my affections that saved me. You were absent and my child was dangerously ill. I had a double grief, and the cause of one sorrow I think counteracted the other. But I will endeavour to detail what has happened to me since you have been in trouble.

From the moment that the landlord discovered that you were arrested I had no peace ; he served me with a notice to quit, and every day he pressed me to depart. When our poor child was taken ill I knew not what to do, I had not a penny in the world. Kitty, who saw my situation, suggested that I should pawn some of our clothes. I never should have thought of this, but I was glad she did, for I had no other resource, I sent her out and soon raised enough to pay a week's rent, and to get me a little money to go on with. Meanwhile our dear little Hal grew sadly ill, and suffered cruelly. The doctor declared that he had got an inflammation on the lungs, and applied blisters and leeches until the infant became a very skeleton. And as his illness increased so did my poverty ; for at last I had pawned everything of my own and yours, and I

had at last neither money nor food; I could not bear to let you know this in your trouble. Fortunately Mamma came, and she not only assisted me, but helped me to nurse dear little Hal.

We kept watch over him alternately every second hour, night and day. All this time the landlord was very savage and cruel, sending up every day to request me to go, saying the notice was up, and that he could not keep me longer. He also refused to furnish knives and forks, and stopped the firing and candle, so that we could not have boiled our poor baby's food, nor have taken a single meal; if mamma had not assisted us from home. But all this was nothing to what I had to bear afterwards. Our child changed suddenly—the doctor said for the better, and I came to tell you this—at that dreadful prison. But when I got home, I found that the change was deceptive—that it was only that apparent improvement which, in exhausted constitutions, usually precedes death. It was a dreadful blow to me to find my poor boy dying;—he had suffered his worst, and towards evening he lost all fretfulness, and seemed out of pain. All

night he smiled; he seemed really better; his dear look was a look of pure angelic beauty and love. He breathed hard, and sometimes laughed, as if he would not have me think it pained him. I always cried then; but I still thought we should save him, he seemed so much eased—so very happy. Towards morning his smile grew gradually fainter, and his sweet eyes dimmed. At times though, he looked so like you, when I bent over him, that I could not help weeping bitterly, for he made me think where you were. At last his breath grew shorter and shorter, and then he died, smiling sweetly to the very last moment. Oh, Henry! he looked so beautiful after death—he was like a dear little statue of bright marble—so white, so pure, so transparent. He seemed to be sleeping without breath, not dead;—and I—I sat watching at his bed-side, but *not* weeping. I couldn't cry there, though I have shed many many bitter tears since. I could only pray—pray that ours might not be an *eternal* separation; but that his dear father, and your own Lucy, might hereafter join him in heaven.

We have lost him, dearest Henry; but God has blessed and taken his spirit, and he is an angel now. But this, Henry, was not all I had to suffer. I am almost frightened at what I have to write, it is so very dreadful. Surely there is not much of such cruelty in the world.

As soon as it was known in the house that my poor child was dead, by the coming in of the shell in which his dear body was to be laid, the landlord sent up a request that I would leave that evening. *His servant, he said should carry the coffin to the undertaker's under her apron.*

When I heard this, I thought my poor heart would have burst. I could not speak. My passion, I think, almost overcame my grief. I am sure, at that time, it was very wrong, but I could not help it. I knew, dearest Henry, that if *you* had been there, they would not have *dared* even to have hurried our departure. Oh, I felt so angry; but, without you, so weak, and so unprotected! I cannot dwell on all this; even now I wonder at my own calmness; but I feel as if I ought to tell you all, and I have made up my mind to do so.

Fortunately papa and William came in in time to hear the landlord's brutal message, and I think they frightened him to death, for the man went away and did not return. Papa then ordered a coach, and made William escort mamma and myself home. He would not suffer me to remain longer in the house, but himself took charge of our sweet infant, and waited the coming of the dreadful undertaker's coach. All we possessed I was obliged to leave behind us ; the landlord had put an execution into his own house, and the officer pretended that he could not let anything go out of the rooms. William told me of this, for indeed I had no care about it myself, and should not have thought of taking anything away. Since I have been at home I have endeavoured to resign myself to God's will, and the death of our loved boy ; but your absence I can hardly bear. Indeed I must come and see you, if you do not get out. I went to look at my dear lost child in his coffin before he was buried. Oh ! he was *so* changed, but still so beautiful ; his once bright eyes were shut, and I could now see, in death ; and his lips,

which I loved to kiss, were quite closed; but his features were calm, still, and clear—so innocent, so truly angelic. Since I saw them I have not slept. I dream of my child every night, and always of his father. Dearest, dearest Henry, you must indeed come home. I have lost one darling object of my affections, do not let me be too long without the other; indeed my poor heart will break if you are long absent. Oh! I will pray that you may come out soon, and *do* pray with me. I know, I am sure, God will hear us. How I long to see your dear face once more. God bless you again and again.

Your own devoted,

LUCY.

When the Author had recovered his composure after the receipt of the above letter, he set about regulating his mind to the quiet reception of reason and philosophy. He at once addressed his plaintiff's solicitor, and he soon found that his object in detaining him was not his client's interests but his own costs—

Because no doubt 'twas for his dirty fee,
And not for any love of you or me.

He speedily agreed to take a warrant of attorney for the debt, payable weekly, but the costs must be paid down. The warrant of attorney was at once signed, but nine weeks elapsed before the Author could procure the amount of costs for the lawyer: and during those nine weeks he had to endure all the misery of the gaol, and the, to a mind oppressed with sorrow, almost insulting levity of its more heartless inmates. He had besides to house and keep himself under the heavy expenses of the Fleet Prison: and so little able was he to do this that at last he nearly starved. His very clothes were in rags, and he had not a change. At last term time came, and he then, through the interest of two friends, procured bail for the day rules, and went out on the rule of court which enacts that a prisoner who can give security may go forth to transact his affairs, provided he return by nine o'clock in the evening.

Mr. Nagle, therefore, found that he had one day's liberty, and in that day he managed more

than nine weeks' imprisonment had wrung from him, or than ninety-nine would have wrung if he had been so long immured. He procured the money to pay the lawyer's costs and the first instalment of the warrant of attorney he had signed. When he returned to the prison in the evening, it was only to take with him his discharge.

He was now free, and it was a joyful freedom after what he had suffered, but alas how brief !

A fortnight passed, the second instalment of the warrant of attorney became due, he was unable to meet it, and the lawyer at once entered up judgment; although Nagle had expressly stated that if he would suspend it for a few days he would be able to settle the whole debt. But no: the lawyer would lose costs by that—and costs were the “air he breathed—without them he must die.” So he once more took the Author in execution; again sent him to the Sponging House in Chancery-lane,—again ruled the Sheriff, and on a close holiday, for the purpose of degrading him farther by a second temporary incarceration in Whitecross-street,—and put him to the expense of another

habeas, which conveyed him to the King's Bench, and brought him in contact with Montford in the manner we have named.

In this latter prison he had the advantage of a comfortable room by paying his shilling a week ; and there, too, he could enjoy the society of his wife, who would no longer submit to be separated from him. There they have since lived for nearly a twelvemonth, although Nagle has now procured the rules—still confined in execution at the suit of Miss Fairy, for the sum of what is now, with the addition of costs, twenty-seven pounds. While they were incarcerated in the heart of the prison, their circumstances varied according to Nagle's fortune in disposing of his writing, upon which they entirely depended for support. At times, however, they were in a state of complete destitution ; and have, for three days together, gone without more food than a shilling would purchase—Nagle's health began to break down—his poor Lucy grew pale and weak—but still bore their fate with unrepining, un murmuring affection.

During all this time the most earnest appeals for a discharge were made continually, sometimes in bitterness, but oftener in sorrow, to Miss Fairy and her lawyer; but the answer was always—‘no!’ Any security—all terms were offered; still the answer was—no! Unable to continue paying his rent for the furniture of his room, the woman, a Mrs. Thomas, of whom he hired it, cleared his apartment, and left him with the bare walls: there was not even a chair on which his wife could sit; and, at that juncture, he had not so much as would purchase him the materials for a fire.

Again an appeal was made to the humanity of Miss Fairy; and Nagle’s condition painted to her with such power as his heart and pen could give to the distressing picture: and this time, the answer was not “No;” it did not even come from Miss Fairy—it was given by her mother, to the messenger, who took the note. “Tell Mr. Nagle that I shall be glad to hear that he is starving. I would rather beg my own bread than let him out of prison.”

A little longer, and, as soon as he had got some

new articles of furniture for his room, Nagle was seized with a violent attack of malignant cholera. His wife was visited at the same time, and they lay together on the same bed, doubtful whether either would survive, or which might expire first. It was said by the doctor who attended them, that, in that dreadful crisis, their affection almost conquered the agony of the disease; that their care was each for other. They would have been content at that sad hour, and in that sad home, to have died together, beautifully confirming the wise man's words, that

Love is strong as death !

Then again, when the thread of existence was doubtful—when it became a question, “Shall I forego the risk of losing £27, or become morally responsible for the death of two human beings?”—when it was not money against imprisonment, but money against life—that another, the last appeal, was made to Miss Fairy for the Author's discharge: made eloquently, made imploringly, and answered with another refusal. Yes! the

woman who had invoked the Almighty to afflict her with some dreadful punishment if ever she arrested a fellow-creature, and who now held a fellow-creature in prison at the point of death, was presented with his dying appeal for liberty, and with an iron heart and a cold voice responded, "LET HIM DIE!"

Happily, however, Nagle and his wife survived, and are now living with comparative comfort in the Rules. He is still, however, a prisoner at the suit of Miss Fairy, who, upon the superstructure of her own ruin has not yet founded enough of sympathy to pity or avert the ruin of another. Such is THE AUTHOR'S STORY.

* * * *

From one literary prisoner for debt, we are sorry to have it in our power to turn to another. We mentioned in our first volume that WADE the lyricist had once been an inmate of Horsemonger-lane; we lament to add that Tom Dibdin—the last of the Dibdins,—is *now* a guest in the same hated dwelling.

Poor Tom! he is droll, full of talent, generous,

warm-hearted, and wise in the world's experience and griefs. Sad that he should descend into the vale of life through the gloomy portals of a prison ! We would not here mention his incarceration, were it not generally known among his friends—all those who care for him in private ; we say private, for who is there that has not some public affection for the name of Dibdin. His father—his brother—all his kith and kin, and last not least himself, have added new and beautiful flowers to the chaplet of song, and enriched the lyric poetry of their country with some of its warmest feelings, its most virtuous principles, and its most enduring and national pride ! Whether in the naval ballad, the jolly sea-song, the simple love ditty, or the merry Bacchanalian chorus, they have ever strung the lyre with chords that thrill naturally and powerfully upon the heart. Shame that those who have attained literary eminence should find their reward in poverty and a gaol. Charles Dibdin died in the rules of the King's Bench, and poor Tom, the last ornament of the family, is now in Horsemonger-lane. Are not the public ashamed of this ? Will

they not be ashamed when they read the pages that follow, descriptive of Horsemonger-lane ; and learn that they have been hastily and anxiously penned by that same TOM DIBDIN who has a thousand—ay, a hundred thousand times contributed to their enjoyment, added to their list of pleasures, and delighted them with his songs, as much as he has charmed those who know him as friends with his pleasant conversation.

PART V.

HORSEMONGER LANE.

CHAPTER IV.

HORSEMONGER LANE,

Is the general designation by which we recognise (putting, by a rhetorical figure, the place for the thing) the

SURREY COUNTY GAOL,

or, as letters are very frequently addressed to its unfortunate inmates,

KEEN'S HOTEL, NEWINGTON,

and it is scarcely conceivable how, or why there should be such an immense difference,—within the short space which intervenes between this minor theatre of creditorial despotism and the more magnificent national establishment of the KING'S BENCH,—as that which actually exists, as to the government, discipline, and treatment of the unfortunate coerced beings who are confined

for the very same causes and by the identical laws, which have incarcerated their more fortunate brethren in captivity, on the opposite side of the causeway.

In our first volume much very natural indignation was expressed at the degrading circumstances of the inhabitants of the Bench, having been, for a few days only, domiciled within the same walls with the two murderers GARSIDE and MOSELY, but here every one of Mr. Keen's tenants (and he is by the by, a very gentlemanly landlord) are fellow lodgers (with the intervention of a wall) with murderers, highwaymen, footpads, pickpockets and swindling attorneys, nay, in many instances, obliged, as it were, to be "hail-fellow well met" with them; for example—are you from habits of more prosperous days unwilling, or from ill-health, or age, unable to submit to the degradation of scrubbing the floor of your cell, (I was going to say apartment,) some poor fellow, to whom you give a few pence, is *appointed* by the powers that be, to do it for you, as well as to keep the corridors,—passages, I mean,—and the yard clean.

A stranger or freshman, (for this too is a college,) naturally mistakes the *slave* for a brother debtor, and perhaps asks with that sympathy which supposed similarity of situation naturally inspires, "How much are you here for, my good fellow?" meaning for what amount of *debt*—the man in smock frock and sabots replies, scratching his head, "Why I don't like to think on't master—I be here for twelve months, if they don't send I elsewhere."

"Oh! sent back by the court I suppose (meaning the Insolvent Court) for something wrong in your Schedule."

"No, sir, not so *bad* as that, neither, I be here, and a d—d sheame it be, for only biting a man's thumb off."

"What," exclaims the horrified noviciate, "for biting off a——"

"Yez sir, it be all *fair* in our country."

"Horrible."

"What's horrible? why what'llée say to my mate then, as puts up the bedsteads, he and his brother be here for thrashing their sister."

“And that man who is carrying out the dust?”

“Oh! he be as big a villain as ever war unhung, it’s a shame to lock him up with we; the rascal stole a sucking pig, and five of his dirty children helped to eat it.”

Were a dramatist to write a similar scrap of colloquial eccentricity it would be thought unnatural, in our case we can only aver it to be matter of fact. It is necessary to add that this agreeable society of thumb-biters, sister-thrashers and pig-stealers are only among the debtors while they are employed in the way just related, and on finishing their respective tasks, are returned to their dens, till the following day, when, as every criminal—whether felony, larceny, or any similar cause of detention, procures you the honour of his society,—is entitled, in his turn, to the profits of cleaning for the debtors, you are indulged with the company and instructive histories of a new set of smashers, swell-mob-men, *et hoc genus omne*, as often as you choose to ask them.

Though, as will presently be seen, the very extraordinary privations to be endured in this

prison render it the most oppressive residence of any in or near the metropolis, there is much more of cleanliness and comfort about its apartments, and the little promenade, terminating in a neat garden, in front of the debtors' prison, than is to be found in either the Bench or the Fleet, and the front rooms in the upper galleries command an open view of great part of the bustling neighbourhood, which to some is a very *cheerful*, to others very tantalising, prospect. One circumstance, as repelling to the feeling of most tenants as *strangely desirable* (*crede qui vult*,) to others, is the *happy facility* with which you are enabled to witness public executions from the immediate proximity of the fatal apparatus; so near indeed that the prayers of the attendant clergyman may be distinctly heard—and on that terrific stage you behold the turnkeys, and officials who, ten minutes before or after, may enter your room with letters or parcels from the gate, assisting the victims of the law's last infliction up the steps of the scaffold, and holding them in conversation while the principal executioner is making

his technically official arrangements about the collar, halter, and last nightcap of the bewildered culprit.

At Newgate the dreadful engine of final punishment, does not appear in front of the prison till very early in the morning of executions, which take place at eight o'clock. At Horsemonger Lane, the sufferers are launched into eternity at nine, and it is noon before the roof of the building is cleared of its tragic incumbrances, which are erected on the preceding morning, or if (as is always the case in the event of murder,) the spectacle is exhibited on a Monday, the stage is built on the Saturday noon previous ; so that the visitors of the debtors, whether wives, children, or friends, have, during two whole days, to pass immediately under the appalling preparations for the ensuing most painful catastrophe ; nor is this the worst of it : the writer once entered the apartment of a genteel and well-educated prisoner, on Sunday morning, and found him not merely out of spirits, but seriously indisposed with severe nervous affection. On inquiring the cause, the shuddering

victim of personal spleen and legal revenge, for such he was, asked me to sit down on his bed, and from thence look up at the little semicircular window in front of it, which I did; and from my seat took a perspective view of the gibbet erected for a man, who a week subsequent to the fate of Garside and Mosely was hanged for the murder of his child, which perspective gave the strangulating frame exactly the appearance of being part of the framework of the windows; and this disgusting exhibition had, during the whole preceding moonlight night (as it did on the succeeding one), saluted the eyes of my restless friend, whose "cares had kept him waking," whenever he looked from his uncurtained couch, for the approach of morning. On the following day I witnessed the awful ceremony from the same seat, and when the poor wretch was turned off, he almost appeared to be hanging from the upper bar of the window-frame. A curious instance, to an observer, of human nature, occurred of the extraordinary difference of feeling with which two men may view the same interesting incident.

After the platform had fallen, we averted our eyes from the scene, and passed an hour in varied conversation, my nervous friend, however, occasionally recurring to the painful subject, when a brother debtor, who had sat some time with his back to the window, happening to turn round, jumped up with an exclamation of "Well! I wish I may die if you haven't let 'em cut the rascal down without telling me to witness the ceremony, which is the very thing I came to see, for I wouldn't give a fig merely to see a man turned off."

You do not here, as at the Fleet, pay thirty shillings per week for a room, but (I speak of the master debtors' side) you are, on the moment of your arrival, placed by a turnkey in an upper room, where there is already one inmate, but the rooms are sufficiently large to contain two beds; a bedstead, and decent bedding, and very good clean sheets are then prepared for you, for the use of which, you pay three shillings and sixpence per week, always depositing a week's rent in advance, and should you quit the prison before such week has expired, the proper proportion of

the rent is returned to you. If you wish, and are able, to furnish your own bed and bedding, you are permitted so to do, and pay no rent at all; the remaining furniture, necessary for a sitting-room, you must purchase, hire, or arrange with your chum for, as well as you are able.

There are two most unnecessary, and, in every sufferer's opinion, most cruel regulations, which render this cemetery of living exertion a much worse abode than any of its brother monuments of legal and illegal tyranny; the one relates to the hours of locking up, the other, to the prohibition of any liquid provision beyond two pints of ale or beer per diem to each individual, no matter what his age, habits, constitution, or actual state of good or ill health. These rules we shall particularise hereafter.

The debtors' portion of the prison is divided into the masters' side and the poor side, each forming a distinct wing of the building, the Governor's house being the centre; each wing is divided into three floors or galleries, the two upper galleries contain each twelve or thirteen apartments for two

persons, as above stated, and a larger room where three, should the prison be full, may be very decently accommodated; those upper apartments have all stone-floors, and at the end of each gallery there is a kind of yard, containing a large and commodious sink, with a liberal supply of water, a water-closet, &c. On the ground floor are similar accommodations, and the same number of rooms, but as the latter have the great recommendation of boarded floors, and only admit one person in each, they are assigned, on a tenant being so fortunate as to quit, to the debtor above stairs who has been the longest time in the prison. On the poor side are certain allowances of bread, beef, soup, &c., from the county, those who partake of them are not permitted to receive any other provisions from their pockets or their friends, but all are free to accept or decline the donations. On the masters' side each inmate lives entirely on his own resources.

In both wings the different galleries, which are nightly locked up from each other, are opened at seven in the morning during the whole of the year,

and the friends of the prisoners are admitted at nine, from March till May, they may remain till six in the evening; from May till August, till seven; from August to Michaelmas they are again turned out at six, and the next half year, a cheerless length of time, from Michaelmas to Lady day, let your business or health require what they may from the society or aid of wife, family, or friends, they are sent from you at the hour of THREE in the afternoon! and if you, as is the case with many, do not happen to associate with your "brother birds in the same cage," you are condemned to solitary imprisonment for the next eighteen hours. It is true you may walk in front of the building till dusk, but few when their dearer connections have quitted them, connections drawn closer by such unnatural restrictions, find much inclination for any other society. During this dismal half-year, if those friends from whom you expect money, or arrangement of your circumstances, are engaged in trade, particularly in the city, the hours from nine to three, form exactly the period when it may be impossible for them to quit their

avocations, and Sunday is a day on which few can spare time from religion and recreation, to "quit the gay throng" for the abode of immured adversity. A few minutes after the awful bell has been rung for the expulsion of visitors, two turnkeys go round to every room, vociferating "all out" and whatever the sex, relation or quality of the friends who may be with you, they never condescend to knock at your door, but rudely open it and examine the room: should a debtor have no visiter, and have walked out and locked up his cell, each turnkey has a *passé par tout* by which he can go in and satisfy his curiosity. I once saw a turnkey (the reverend officiating clerk at chapel,) push a child of three years old rudely out of his father's apartment, and then, *sans façon*, begin to examine the bedclothes, roughly demanding, "ha' ye got any more an' em?"

On Sundays, two more hours are subtracted from the period of admission, the gates not being opened in the morning till half-past ten, and are again closed from two, till half-past two in the afternoon.

The chapel is open to the debtors on every

Sunday morning, from nine till half-past ten. A respectable clergyman officiates, with as much speed as he may, being obliged to be at his own church before eleven, and the clerk is one of the coarsest and most forbidding in appearance of all the turnkeys, and almost always in his dirtiest dress, which he considers good enough for church; but in the afternoon he makes himself *decent* to go and see his friends:—there is no afternoon service for the debtors.

In every other metropolitan house of durance, even in the Marshalsea, although ardent spirits (I mean drinkable ones) are strictly and very properly prohibited, (except as medicine,) a prisoner is permitted to purchase as much wine or malt beverage, as his circumstances and health may permit or require. The Surrey magistrates, however, allow nothing but a strictly enforced number of pints of beer*, to pass from the picturesque portal of *Newington Hostelry* to its elegant interior. A gentleman who came in his carriage, and brought to the gate (with a physician's prescription for its being admin-

* Amounting to two pints for each debtor daily.

istered), a phial of French brandy to a literary invalid of sixty-four, was, on asking permission to carry it to his friend, referred to the then very pompous apothecary of the gaol, who sent for the prisoner, and told him that it had been decided by the twelve judges of the land, that if his health required any thing more than the two pints of beer he had daily to share with four of his family, he must put himself on the sick list, and go into the Infirmary, whose inmates positively become, and are lodged and treated as hospital paupers at the expense of the county.

The wife of this once highly favoured and hereditary Lyric, in an evil hour of most affectionate and laudable anxiety for his declining health, thought that a mixture of honey, rum, and elixir paregoric, might alleviate some rather alarming symptoms (at her husband's time of life), of a severe chronic cough, and, having already provided the other ingredients, she filled a *scent bottle* with the very small portion of rum necessary to add to them, and, unknown to the invalid, who sooner would have died than have permitted her to run such risk,

brought it in her reticule, within the college gates. A scoundrel who had seen her purchase the spirit, in hopes of sharing part of a penalty of ten pounds, ran before, and denounced her to the gate-keeper, who on her entrance, asked whether she had brought any thing of the kind for her husband? if she *had*, and would frankly resign it, there would be an end of the matter; she instantly gave up the smelling bottle, which was sent to a sort of vice-deputy governor, while she was taken into custody, and a *biped* who, because she wears petticoats, is called a woman, was sent for from the felons' prison, to search the prisoner for more spirits, she, however, found none; and as her victim, a lady of education and accomplishment, went out of one alarming fit into another, the consolation offered her by this,—I was mistakingly about to say *feminine* turnkey,—and custos of women of the town, common thieves, and children-stealers,—was “*I hope it will be a warning to you, ma'am,—you'll have six weeks at Kingston, depend on't!*” A lady, since dead, who had been seen walking with the heart-broken wife, happened to come in at the moment, and without any reason

assigned, was entirely stripped by the biped, even to the removal of her hose, and her hair pulled down to search for another scent bottle, which not being there, was of course not found, for this outrage there was, and is no remedy.

No language, even of poetic fiction, could do justice to the agonised feelings of the husband, who was not permitted to go and endeavour to console his wife for an infamous disgrace inflicted on her through her care and solicitude for his health and comfort. He wrote to Mr. Keen, the Governor, who came to him, and, in the very kindest possible way, told him that, so far as the matter had gone, he had no discretionary power to alter the usual course of proceeding on such occasions, but that the lady must be taken in the evening before the magistrates at Union Hall and, until then, kept in close custody. He, however, offered to be himself the bearer of a letter which he advised should be written to the sitting justice, to explain the intention with which the attempt to introduce a smelling bottle full of rum into the prison had been made.

This was done, and the *biped* and *another*, but gentler, man-turnkey, and a solicitor, or law agent on the part of the husband, accompanied the lady to Union Hall.

The magistrate, well aware that the unpardonable crime of bringing what are termed liquors to the prison consisted in an intention to sell them, or to cause inebriation, held up the fatal scent bottle in great indignation, not at the accused, but those who brought her there, and exclaimed, "would *this* intoxicate any one, would *this* be an object for illicit commerce?" and then, on asking the victim for her defence, and getting no reply but an hysterical flood of tears, from the accused, while another female addressed the magistrate with great spirit and propriety, on the folly and injustice of the accusation; he, with great kindness gave the lady her dismissal, and returned the scent bottle to the turnkey, who immediately drank the rum and put the essence bottle in his pocket.

This discharge from an accusation which ought never to have been made, was not what the

informer either wished or expected, as had a fine of ten pounds been exacted, half of it would have been shared among those who had been so active and prominent in this instance of imposition and cruelty, they therefore procured in the office a copy of the Act of Parliament, against conveying spirits to the interior of a prison, and assuring the magistrate, whom their assurance had already astonished, that he had no power to liberate the prisoner without a fine or imprisonment,—they besought him to call her back, but she having been once legally and formally discharged, this could not be accomplished, especially as she and her friends had departed in the coach she came in, unaccompanied by the biped, who, disappointed of a ride back to the prison at her victim's expense, angrily bobbed her head up at the window of the vehicle as it drove away, and exclaimed in a voice something between that of a parrot and a peacock, "I hopes it will be a *vorning* to you, Ma'am!"

The Governor, who, throughout the almost incredible transaction, had acted with all the good feeling of a married man and the father of a family,

hastened back to the gaol, and, at ten o'clock at night, had the doors of the debtors' prison opened, that he might personally inform and congratulate the half-mad husband, who had been three hours in all the horrors of suspense, on the happy issue of an event so disgraceful; he also assured the bard that his wife should always be admitted to him as heretofore, for a threat had been held out that she would be excluded. It was many days, however, before she mustered courage to approach that ill-omened gate, and when she did, the son of one of the turnkeys refused her admittance, when the Governor fortunately happening to pass, witnessed the defiance of his own order, and remedied this new insult as far as he could, by commanding the gate to be opened.

The complaint on the part of the gentlemanly janitors was, that they had received no *civility* money, which reminds me of being present at the arrest, many years ago, of a highly gifted dramatic author, when a most impudent officer, who bore the very appropriate name of *Leach*, "hoped Mr. C. would not forget the *civility* money." "Cer-

tainly not," replied the poet, "I shall not forget that or you either, see, here are a couple of guineas." "O, thank ye, thank ye, Sir!" quoth Leach, putting forth his expectant feelers. "Stop a bit," said C., "I mean to wait till you fetch the civility."

And all these delightful matters arise from the beautiful system of imprisonment for debt!

The history of one of the rooms, cells, or cabins, in this receptacle of the good, bad, and unfortunate, for there are many distinctions between the three, I say a recapitulation of seven years series of characters and events exhibited in any one of them would surpass the "Adventures of a Hackney Coach, a Lap Dog, or a Guinea," the contrasted scenes of alternate mirth, despair, resignation, and wretchedness that I have witnessed, would furnish food for cramming the shelves of all the Longmans, Colburns and Co's., in the United Kingdom. I have seen the attenuated inmate of one room vainly attempting, for want of sufficient fire, to make his dry bread more crisp by toasting it, and pouring boiled water on his third day's tea-leaves

to furnish the mockery of a repast, which he said used formerly to cheer him and give him spirits to proceed in his drudgery of copying for a copyist at less than a farthing a page, and I have seen in the very next apartment, a dashing young whiskerandos playing at whist with a diamond ring on his finger, and using new sovereigns to count his game with, I have seen the bedstead and bedding taken from one who was incapable of making up his weekly rent, while another was actually telling the Governor publicly, that he never was happier in his life than in the prison of Horsemonger Lane, and declaring he never would leave it until forced, at the same time his neighbour of the next room was dashing his head against the wall, because his discharge, which had been that night expected, could not arrive till the morning. Here sat, in agony, a remanded insolvent, whose lawyer had carelessly left out, or misspelt the name of a detaining creditor, or neglected serving him with a notice, and there, glass of beer in hand, was an *upstanding* bon vivant, sufficiently *down* in the world to drink as a

crack toast "Plaintiffs *in*, and defendants *out* !" while a *classical* imitation of Kean's Othello at one end of the gallery was rendered perfectly unintelligible by the stentorian view halloo of an impounded fox-hunter at the other.

Going into the poet's room one evening, I mean the gentleman whose spouse had been so ungenerously treated, he was bitterly complaining of the inattention of many of his friends, relatives in particular, and on his table lay a little sample of momentary irritation which he had just extemporaneously scribbled, and headed by way of motto with

Qui capit ille facit.

"RELATIONS, who spared not my table nor purse,
And found me a father, a friend, and a nurse,
Cry, ' Bless me ! in prison ! my nerves ar'n't so stout
' As to see him—I'm sorry !—Why don't he come *out* ?'
Politely I answer, for anger's a sin,
' It would give me more pleasure to see you walk *in*.'"

I also saw the following fragment of a reply to some consolatory verses he had that day received from a brother rhymer in the gallery above him, and though the lines may possess little to recom-

mend them, they are inserted to show that even the vaulted Chambers of the Newgate Conservatory (which is another of this prison's designations), may at times be illuminated by a visit from the muse.

To Mr.

'Tis sweet, when sinking deep in miry places,
Some friendly little stepping stone to find,
And when a drowning elf, a straw embraces,
A *real appui* comes twenty times more kind !
So, in a desert, like a bright oasis,
In this drear den appears a kindred mind,
Thy well-meant numbers almost made me glad,
Good lines, the choice of subject only bad.

Since at the bottom of my vaulted crypt,
Lone and forgotten, I have nightly lain
Some eight and thirty se'nnights, which have slipp'd
Away, in retrospections sad and vain.
No day has found me so completely hypp'd !
Till thy kind verse brought some relief from pain,
For FLATTERY hath so marvellous a skill,
She makes dark light, and smooths rough paths at will.

You blame John Bull's neglect, which *I* can bear,
For, cease to pipe, and he'll no longer dance !
Private ingratitude awakes each care
That dims *my* day and forms night's fever'd trance ;
When lo ! a stranger has a sigh to spare,
And, sympathetic kindness to enhance,
Decks in sweet poësy the polish'd strain,
That " droppeth " (Portia says), " like gentle rain
" Of mercy " on the Bards' bewildered brain !

Some years back, the single rooms in the lower gallery were not, as now, furnished with chimneys, but were used as cells for condemned felons. In the largest room in this range of apartments, the celebrated Colonel Despard passed the last night before his execution. There is another room above, in which an unfortunate officer was his own executioner, and by that unmilitary implement, the cord. There is always, as Sheridan says, "some d—d good-natured friend" to tell a fresh collegian of these pleasant by-gone events, should he be chumm'd in either of those rooms; and should the mystified victim, be as nervous as my friend of the window with the *hanging* frame, it is to be presumed he seldom gets much repose on his first night. Some wags, who found it difficult to intimidate an apathetic new tenant of the haunted room, as that is called in which the Captain hung himself, wrote some terrific words on the wall with phosphorus, and when they asked the new lodger in the morning whether he hadn't been dreadfully alarm'd, and whether he didn't think his infernal majesty had a hand in it, he said, No, the devil was

a better judge than to write to him, for he knew he couldn't read ; and as for the ghost, he said he was aware that no *spirits* were allowed in Keen's Hotel.

Those prisoners who are very poor, save their rations of beer, and sell them in the evening to those who are better off, at the price of sevenpence a wine bottle full, and it is often thus stored for a sort of committee or club night, which is held once a week, and the fines paid by prisoners coming into, or leaving the prison, which are from two to four bottles each person, are added to what the landlord of the committee room has purchased, and with the aid of a cigar each endeavours to contribute by joke and song to the hour of conviviality ; and at times some very superior sing-song and intervening badinage assist to constitute the *passe-temps* of an evening. The principal subject, however, of vocal or verbal efforts, is always the everlasting theme of cruel creditors, roguish lawyers, prison hardships, and the delights of liberty. No birds in a cage sing with more merriment, and as they always talk of their own immediate situation

and the causes of it, I heard a gentleman, for so he appeared to be, one evening carry the subject into song, and thus describe his capture and place of his captivity to the air of poor Mick Kelly's well-remembered "Woodpecker."

I.

I knew by the tiptoe that stole up my stair,
And the rascally *tap*, a BUM BAILEY was there;
And I knew by the parchment that bore a red tail,
That the hard-hearted hound would insist upon bail.
"I've no bail, friend," says I, "Then," says he, "you must go
To my crib, at the corner of Cove-street, you know;"
"Sir," said I, "that's genteel, but you ask me in vain,
"For 'tis cheaper to toddle to HORSEMONGER-LANE."

II.

I knew by the board at the gate 'tis design'd*,
All who enter must leave all their SPIRITS behind;
And I knew by the bustle of bolts, bars, and keys,
That the gentlemen gaolers would ask me for fees.
Then they begg'd for a song and besought me to drink,
I did both, for I *thought* 'twould be foolish to *think*,
And they made me a bed, where I slept but so so,
Till a neighbour come *tapping* to cry "milk below!"

III.

I knew when I walked down the staircase 'twas late,
And saw L— let folks in and out at the gate,
And I saw the *law agents*, who ardently burn,
To take all your loose cash and give nought in return;

* A board hangs up at the entrance, warning all comers of the penalties incurred by bringing in spirits.

So I down with my dust, to my schedule I swore,
But they would'nt proceed, till they robb'd me of more,
And finding me drained, they departed, for why?—
'Tis in vain to be *tapping* a hogshead that's dry.

IV.

I knew I must borrow, for here, past a doubt,
You must get more *in* debt if you wish to get *out*,
And each lender thought proper in candour to say,
“ When you're *clear'd* from *all claims*, then *my claim* you
might pay.”
Then I sighed, for I own it appeared strange to me,
That, till fairly *involv'd*, I should never be *free* !
Yet to *Portugal-street* all must journey, you know,
When the Tipstaff comes *tapping* to ask you to go.

Many of the insolvent court agents to the attorney, will give a *douceur* of ten shillings to a distressed prisoner to recommend said agent's services to a new comer. If the high character so *hired* by the man of law is accredited by Mr. Newcomer; the first thing to be ascertained is, what your force in the shape of ready money may be, and in proportion to your powers, a small or large incipient fee is demanded, which, instead of being applied as promised towards the promotion of your own views, generally goes to pay the arrears of proceeding in the long-deferred case of some antecedent victim, who has been already

plucked, and his business and time neglected; and it is not till some *new* customer, coming after *you*, supplies fresh means, that *your* affairs can be proceeded in; you are then asked for more supplies, and when you stop agent stops too, notwithstanding you have been told, to induce you to commence, that only *so much* would be wanted till your emancipation, and then you may pay the arrear; but just when you are happy in the belief of all this, it is not at all unusual for your agent to be unexpectedly brought into the college as a prisoner (professor I mean) himself, and what then? why then, you must have patience, of which your employé will set you an edifying example. Besides, though he can't go about *your* business, any more than he can about his own, he is the more convenient for consultation, and over porter and a pipe you do as others do, and forget all grievances. I have known three of these gentlemen so situated at once, and actually living in the prison on the finances of those, whom they not only assist to *keep* there, but expect, that out of gratitude, you'll keep them in return.

“ And all this comes of imprisonment for debt ! ”

When by drunkenness, intemperate language, night rioting, or other misconduct, a *gentleman* on the masters' side, thinks proper to commit himself, the Governor, on complaint made, thinks it *his* turn to commit him also—to where? to the poor debtors' side, the inhabitants of which, in addition to the society of, in some instances, heart-breaking poverty, are obliged to be the recipients of every *mauvais sujet*, who is expelled from the “upper ranks.” Individuals thus losing *caste*, instead of reforming their conduct, are generally so indignant at the supposed degradation, that though the *masters' side* chums generally petition the Governor for pardon, and reinstatement for the culprit, the latter most frequently begins to feel himself so much the offended party that in three cases out of four he rejects the mercy which he considers as insulting, and wraps himself up heroically in his own conscious rectitude and one of the county blankets, till liberty extends her lovely hand and

“ Locks, bolts, and bars
Shall fly asunder ! ”

Poor Harry Weston, a once well-known comic actor, who was once the convivial pride of the masters' side, has been more than seven years in the prison, and a great portion of that time a patient in the infirmary, for which his creditors must of course be infinitely the better ; the valuable wife of this individual makes every exertion, to add, by her own persevering efforts, to the trifling income on which her husband subsists.

I believe I have before observed that every care is taken to promote cleanliness throughout, what an old cavalry officer here calls the garrison ; but in summer time, from what cause has never been ascertained, those awful animals, the bugs, abound in such more than Egyptian plenty that an eccentric inmate declared that he would save the expense of a *habeas*, to the superior comforts of the rules of the King's Bench, by suffering the aforesaid gentry to carry him there instead.

Should the heat of the weather, or any other predisposing cause, awaken the apprehension of cholera, the praiseworthy and active exertions of

the Governor and his medical staff, merit high encomium—the rations of the poor debtors, as well the unfortunate beings on the criminal side, are doubled, all apartments are inspected and cleansed under the proper authority, and wine, and even spirits, are in some cases permitted, as a means of prevention as well as of cure; the felons who clean the rooms and corridors are all paid by the debtors, who also contribute to the expense of nightly lighting up their respective galleries.

I think I have most impartially and correctly, detailed every good and bad point connected with the features of this unnecessary prison for debt; I wish I could add proof that it had ever reformed a really dishonest man, or made a good one better; I wish I could add that it never had separated an affectionate couple—destroyed the system of their children's education—or been able to restore those habits of industry and cheerful fulfilments of duty, which an idle life, though only for a few months will always be the bane of—it is an expense to the county, and a benefit to no one but those who

apathetically fatten on the fall of their fellow-creatures !

But all this comes of imprisonment for debt !

By way of postscript, I must briefly notice in what a state of degradation must this coffin of energies, and grave of all comfort, have been under a former régime, when as it has appeared in evidence, in the course of two, if not three trials at the suit of Furnivell against a former sheriff of Surrey, that a debtor suspected only of an intention to escape was confined in the strong room of the prison, more strongly impoisoned with the mephitic effluvium of an adjacent sewer or cess-pool, which in aggravation of the delinquent's punishment, was, on his daring to complain of it, daily, by order of some authority in the house, stirred up, as they do wild beasts, with *a long pole*, to render it more effectively disgusting and abominable, if not *fatal*, in its pernicious consequences.

When, speaking of the cholera, I omitted to

observe what a dreadful responsibility do vindictive creditors, pettifogging *qui tams*, and heartless usurers incur, whose narrow minds and mercenary feelings, seduce them to cram their unresisting victim into the abodes of danger and disease; do they imagine that they are not as morally answerable for the lives of the sacrificed, in case of fatal contagion, as if they

“Bore the knife themselves?”

and ought not the death of poor GLOVER—husband of the popular actress of that name, who died of cholera, in a few hours after being seized, in the dungeons of the Marshalsea, by that dreadful destroyer—ought not his melancholy exit to sit as heavy on the heart of the cruel *stealer* of men’s birthright in the form of liberty, as if the said muck-worm had actually thrust him from the world with his own proper hands? Certainly, and when on his deathbed, although we trust he may be forgiven by a merciful Creator, yet do we feel assured he must first encounter the retributive pangs of so remorseful a recollection!

In the King’s Bench and Fleet Prisons, as we

have already noticed, there are Fives Courts and other places of recreative sport and amusement, which though they may sometimes be abused, but not more there than *in the world*, are certainly great helps to the prisoners, as exercises conducive to health. In the Horsemonger Repository there are no such opportunities of circulating the blood or warming the system of him who too often can afford, in the depth of winter, no other fire, and should he, after exhausting his little stock of borrowed books or newspapers, possess the taste and ability to have recourse to the aid of a musical instrument, it would, as soon as heard, be taken from him, or at least effectually silenced. I have been formerly present as a contributing visiter, in the Bench, and auditor of a very respectable concert, with a good vocal and instrumental band, with an able professional conductor, arranged under the patronage of the late Marshal, for a debtor's benefit, and I have been in the Newington House of Restrictive Discipline when the single flute of a professional practitioner was unfeelingly silenced while delighting a rapturously listening

gallery with the strains of HOME SWEET HOME, (in a style even superior to that of SELBY'S horological chimes) and "O Nanny wilt thou gang with me?" though the first reminded us that the concert was much more at *Home* than ourselves, and the latter that however "Nanny" might comply with so kindly musical an invitation, it was not in our power to "gang" with any body.

Although I have perhaps imprudently alluded to such a furtive pastime as a rubber of whist, yet it is a circumstance of rare occurrence, as cards are so decidedly prohibited, that I have known the prison doctor condescend to turn informer, and have them seized when discovered in a patient's room, in which he evinced as much proud satisfaction as when, on the awful authority of the TWELVE JUDGES OF THE LAND, he refused the poor author the small portion of brandy which was prescribed by a physician as an application for the eyes (if, unlike *Skirmish*, the patient could lift it so high) and who suffered no wine and water to be drunk, but in the infirmary.

But "*De mortuis nil, nisi—verum,*"—as the said

doctor has some time since followed in the road of his patients. He had, however, a good living out of Horsemonger-lane; his salary, as I understand, was ample, and his attendance was regular, although, from the distance of his domicile, it was barely probable that a Horsemonger invalid, I beg pardon, I mean a patient of the *equestrian* order, might, if taken ill in the night, stand a chance of saving Mr. Medicus some trouble, and finding an end all of his own, by dying before the disciple of Hippocrates could arrive in time to lodge a detainer. The doctor's duties, in return for his salary, included provision of all medicines, and he certainly was no niggard in respect to that essential article of his engagement. The two capacious pockets of his ample vest were crammed with pills as full as an *English* Theatre at a *foreigner's* benefit, and there was such a versatility of virtue in these little globulous remedies, that the contents of the pocket dispensary were daily applied *right* and *left*, *pro re nata*, as a body may say, with as much effective regularity as Foote's Physician used alternately to bleed the East and

physic the North, and then bleed the North and physic the East wards, of the hospital he had the honour to prescribe for.

Although, perhaps, the doctor conceived he was doing no more than his duty when he informed against the whole pack of his infernal majesty's books which happened to be seen in the sick man's room, yet it is lamentable to record that the deservedly infamous character of the *dila-teur* is sometimes to be found even among the brethren of the incarceration. A very merry miniature painter, who, by a tipsy fall, had put a little too much black in his own eye (so much so indeed as to destroy the likeness it once bore to the other) was kindly presented by a brother chum with a piece of brown paper and embrocation of pure Nantz, to apply to the shut-up theatre of vision; a neighbour whose eye was never closed, and his mouth ever open when any thing good was to be given away, feeling jealous at not having been asked to partake of his chum's spirited resources, brought the affair before the Governor, when not a few were found to declare

that the brandy was only vinegar, till another gentleman informer deposed that a certain official of the janitorial department had actually received a bottle of sherry as a bribe to let some brandy pass the gate; and this was the very Cerberus who had so strictly performed his duty by the scent bottle and its contents, which the poor lady had endeavoured to convey to her invalid husband, and who, as it would now appear, if she had not forgot, or been more probably unable, to apply that grand panacea, the "*Civility Money*," might, instead of a smelling bottle, have rolled in a whole puncheon of rum with perfect impunity, and "No Questions asked."

What a sad pity such scenes and characters should ever arrive at their finale, but it is very possible that our children, *more* probable that *their* children and "pretty considerably certain" that *THEIR* children, when passing by the *chevaux-de-frize*-crowned ramparts of the ancient Keep or Castle, of what a French prisoner there once called *Le Cheval de Mongar*, will say to *THEIR* children,—"*that* was once a Prison for Debt!"

What could that be, the little lisper may well demand;—"A place, my love," answers the parent, "where men, women, and almost children, who could not at *present* pay what they owed, were locked up till rendered perfectly incapable of ever paying in *future*; a place where, in process of time, the habits of industry were lost in idleness, activity of mind degenerated into passive sufferance, fortitude to mere tame resignation, mind merged into imbecility, and hope was finally estranged by despair!"

"And why was all this, Papa?"

"Why, all this, my dear, and much, much more, and much worse, were the consequences of the absurd, slavish, and unnatural system of IMPRISONMENT FOR DEBT!!!"

In closing this chapter, and thanking Mr. Dibdin for the information he has afforded us, we cannot refrain from once more expressing our sincere wish that he may not long be subject to the dreadful and degrading influence of the prison he has

described. From his pages we gather the inference that Horsemonger-lane can be no better than a dungeon—only fit for hardened felons—or men who have been guilty of some gross fraud. Shameful is it that debtors should be imprisoned at all—but the act is brutal which confines them in a harassing and health-breaking slavery—almost as bad as the African's bondage in his prison ship.—The justice is indeed blind which to one person awards the King's Bench, and to another, for the same offence, the dungeon chambers of the Surrey gaol!

PART VI.

**LORD COCHRANE'S IMPRISONMENT AND ESCAPE
FROM
THE KING'S BENCH.**

THE KING'S BENCH.

CHAPTER V.

LORD COCHRANE.

HIS OFFENCE—HIS IMPRISONMENT, AND HIS ESCAPE
FROM THE KING'S BENCH.

PRISON transitions—the changes from confinement to liberty are often sudden and unexpected. It will be remembered that in the first volume of our work we alluded to the case of Richard Gathorne Butt (we spelt it erroneously Burt), one of the parties to the Exchange scheme of 1814, for the rise of omnium stock, in which Lord Cochrane was implicated, as being a prisoner in the Fleet, with little hope of emancipation. We then believed that he was detained for his fine to the king, but this was not the case; and we have been glad to

see it since announced in the newspapers that he was discharged from gaol, where he had been held, at the suit of a creditor for a sum under seventy pounds. May his days end in peace.

But from Mr. Butt we have to turn to Lord Cochrane (now Earl Dundonald), who, at the time to which we have alluded, was connected with him in the punishment, if not in the crime. This nobleman, from the circumstance of his having been the prisoner of the Marshal of the Marshalsea, under extraordinary circumstances, is by name associated with the debtors' prisons—and when we remember the very curious facts which transpired—his expulsion from the House of Commons, and his re-election by the constituency of Westminster, whilst a prisoner in the King's Bench—his mysterious escape from custody—the mode of his re-capture—and the stories in general circulation then and since—we hold ourselves bound to present to our readers the best account of these famous occurrences which we have been able to digest.

Indeed, the theme is one to which public

curiosity is still alive—thousands of the rising generation are still strangers to it—and those in whose memory it is yet fresh, can only have met with the narration in scattered channels, without having the power to see the piece-meal members of the story gathered into a whole. We have, therefore, been at great pains and labour to collect the scattered stones of the history, and to cement them into a complete fabric, in which the reader will find, not simply, the act and process for and by which Lord Cochrane was imprisoned; but also the only probable account of that which has raised so much curiosity, and so many surmises and conjectures—his escape from the King's Bench prison!

Like Byron, we will eschew the “heroic turnpike road,” and confess that our

— way is to begin with the beginning.

We therefore open with an account of the transaction which made the noise. In the old Gentleman's Magazine of the year 1814, it is recorded that on the 21st of February, “a most criminal

imposition was practised upon the public, evidently with a view to enhance the prices of the funds, and particularly of a species of stock then called *Omnium*. To the metropolis an express from Dover communicated information that an officer, apparently of the French staff, had landed early in the morning at that port from France, who announced in most positive terms the death of Buonaparte, and the presence of the allied armies in the capital of France. It was stated that the French officer, after communicating the substance of his despatches to Port Admiral Foley, in order to be conveyed by telegraph to the Admiralty, as soon as it was daylight, had proceeded on his way to London, with despatches for government on the subject. The Stock Exchange was instantly in a bustle. *Omnium*, which opened at $27\frac{1}{2}$, rapidly rose to 33. Vast sums were sold in the course of the day—and the whole amount of the transfers exceeded a million and a half. At length, after some hours had elapsed, the non-arrival of the pretended French officer began to

throw discredit on the tale—stock gradually declined, and finally closed at $28\frac{1}{2}$.

The persons at Dover reported that in the middle of Sunday night, a person dressed as an officer, walked from the beach of Dover towards the town, and meeting with a watchman, inquired of him the way to the Ship Inn, to procure a post-chaise and horses for town. The pretended officer was a tall dark man, dressed in scarlet and gold, with a large star on his breast; this coat was turned up with green, and he wore a long sword by his side. He feigned to be much fatigued, and his beard was unshorn.

Before this person proceeded on his journey, he addressed a letter to Admiral Foley, to the purport that he had ordered back his boat's crew to France, and requested the politeness of the Admiral, in case they should be intercepted by any of the British Cruisers, that the men might be properly treated, and sent to France, without loss of time. To this epistle he subscribed the name of Colonel de Bourgh, Aid-de-Camp to Lord Cathcart. No boat, however, was seen, and it is to be presumed

he was not landed from any, but that his clothes had been purposely made wet to induce a belief that it was from the spray of the sea.

On his journey to town, the impostor for every thing he paid, and even at the turnpikes, offered Napoleons for change, except on one occasion, when, finding some difficulty to procure change, he pulled out an English bank-note, which he said had been lying in his pocket for some months past.

Admiral Foley, on receiving the letter we have mentioned, instead of ordering the telegraph to work, despatched a person to Dover, to make inquiries, who on examining the note, discovered that it was endorsed by a mercantile firm in London, with the date of Feb. 15th 1814. It was afterwards conjectured that the man had entered Dover by the road leading from town. Such a person, with a companion, was met in a post-chaise and four.

Besides the principal plot acted at Dover, there was a sort of wheel within a wheel, connected with it, the scene of which lay at Northfleet. This

it would seem, was artfully planned, in case the Dover scheme should miscarry.

About 5 o'clock on Monday morning, (Feb. 21,) a party arrived at Northfleet in a six oared cutter; they called up a Mr. Sandon, (agent of an evening paper,) to request that he would accompany two of them to town. They represented themselves to be messengers from France, to communicate the death of Buonaparte, and the hoisting of the Bourbon standard in France. On approaching the metropolis they were decorated with white cockades, and the horses with laurel. They told Mr. Sandon that they would first proceed to the Lord Mayor, and as if with that intention, they took their route through the City. Their progress was greatly impeded by the mob who stopped them at every short distance. Pretending to recollect themselves, on a sudden, they said it might be deemed disrespectful by the Government, if they did not first communicate with ministers; and then, as if for that purpose, they ordered the post-boys to Downing Street, Before they reached their destination, however,

they discharged the chaise, and got rid of their companion, supposing no doubt, that their purpose had been already effected.

Such is the outline of a transaction, into which a committee of the Stock Exchange immediately commenced an investigation. On the 8th March they put forth a report, in which was given the evidence of the post-boy, who drove the pretended Colonel de Bourgh to Marsh-gate, Lambeth, and also of the hackney-coachman who conveyed him from thence to No. 13, Green-street, Grosvenor-square. Sayer, the Bow-street officer, stated that this house in Green-street was let furnished to Lord Cochrane, the Hon. Cochrane Johnstone, and Mr. R. G. Butt, who came in on the 17th. A Mr. Lawrence had ascertained that the one pound notes paid away at Dover, by the Colonel, and another on the road, were obtained by Mr. Butt, from the clerk of Mr. Fearn the stock broker.

The latter gentleman stated, that he had been in the habit of transacting for the above-named parties, and that on Feb. 21, he had sold Omnium,

and Consols to a very large amount. To Lord Cochrane, £139,000 Omnium; to Mr. Butt, £154,000; to the Hon. A. C. Johnstone, £120,000; also to Mr. Butt, £168,000 Consols; and to Hon. A. C. Johnstone, £100,000. Mr. Hickens had purchased £565,000 Omnium, for Mr. Cochran Johnstone, Feb. 8—14, and sold £200,000. Feb. 16, £115,000. Feb. 17, £250,000. Feb. 21, Mr. Smallbone had sold £40,000 Omnium, for Mr. C. Johnstone, and the same for Mr. Butt, which he had purchased for them a few days before. Mr. J. M. Richardson had been applied to for Mr. Butt to purchase £150,000 Omnium, which he declined, but did purchase £30,000, and sold it Feb. 21. The remainder of the report referred principally to the persons concerned in the subordinate plot at Northfleet.

Upon the strength of this report, Lord Cochrane denied upon oath all knowledge of, or participation in, the imposition, directly or indirectly, and his affidavit was very positive, precise, and circumstantial.

It was not until the 14th day of March follow-

ing that a full meeting of the members of the Stock Exchange took place to decide upon the steps to be pursued on the settling of Omnium the next day,—when it was agreed that:—“Considerable purchases having been made Feb. 21, by persons seeming to be previously acquainted with the fraud, the Committee be requested to ascertain the profit made by the brokers concerned for the parties alluded to,—that members of the Stock Exchange having deficiencies to pay, pay the same to the Committee,—who after deducting the profit arising to the parties alluded to,—shall pay the balances to the brokers, and if the fraud be ascertained, the money retained be bestowed on Charitable Institutions.”

In pursuance of the above resolution, the Stock Exchange Committee left no means untried to come at the truth of the transaction,—they preferred an indictment—they advertised for witnesses—they offered rewards for information—and in short turned every stone of inquiry. Upon the evidence they had collected, the indictment was brought before a grand jury, on the 28th of April,

who returned a true bill for conspiracy against all concerned, including the following lengthy list of names :—Charles Random de Berenger ; Sir Thomas Cochrane, (Lord Cochrane) K.B. ; Andrew Cochrane Johnstone, Esq. ; Richard Gathorne Butt ; Ralph Sandom ; Alexander M'Rae ; John Peter Holloway and Henry Lyte. The indictment was removed by the prosecutors by certiorari to the King's Bench, where the defendants pleaded *not guilty*.

The trial in this Court did not come on till Wednesday, the 8th of June, but it proved fatal, in point of decision, to the parties charged. We shall give the best accredited account of the proceedings.

Wednesday, June 8th, 1834.—In the Court of King's Bench, Guildhall, Captain Random de Berenger, Lord Cochrane, Hon. A. Cochrane Johnstone, R. Gathorne Butt, Ralph Sandom, (a spirit merchant at Northfleet), Alex. M'Rae, J. Peter Holloway, and Henry Lyte were tried for conspiracy to defraud the Stock Exchange, by circulating false news of Buonaparte's defeat, his

being killed by the Cossacks, &c., to raise the funds to a higher price than they would otherwise have borne, to the injury of the public, and to the benefit of the conspirators. Mr. Gurney called witnesses to prove that Col. de Bourgh, who pretended to have been conveyed in an open boat from France and landed at Dover with the above intelligence, was Random de Berenger; that he wrote to Admiral Foley, who but for the haziness of the weather, would have telegraphed the intelligence to the Admiralty, the precise object which the conspirators had in view; that he afterwards proceeded through Canterbury to London, dressed as a foreign officer, repeatedly telling the post-boys that he was the bearer of glorious news, until he came to the Elephant and Castle in the Kent-road, when finding no hackney-coach there, he was set down at the Marsh-gate, Lambeth, where he stepped into a hackney-coach, and was traced into a house then recently taken by Lord Cochrane, in Green-street, Grosvenor-square.

The effect which this news had on the funds, particularly Omnium, is well known: the latter

rose from $27\frac{1}{2}$ to 30 *per cent.* premium. But no confirmation having been received at the Admiralty, Omnium, began again to get down: when an important auxiliary to this fraudulent contrivance appeared. This was the arrival of three apparently military officers in a post-chaise and four from Northfleet, having the drivers and horses decorated with laurel. These were Sandom, M'Rae, and Lyte, in disguise. To spread the news, they drove through the City, over Blackfriars-Bridge, and were set down near the Marshgate; where they tied up their cocked hats, put on round ones, and walked away. This last contrivance raised Omnium to 32 *per cent.* Much evidence was adduced by the counsel to connect the parties; and to show that the two arrivals were branches of the same conspiracy: the amount of the stock in the possession of Lord C. and Messrs. Johnstone and Butt, amounted to nearly one million; and that, but for the plan of raising the funds; they must have been defaulters to the amount of £160,000, and nearly ruined by their speculations. Sandom, Holloway, and Lyte,

were jobbers in the funds; the two latter had confessed what was their object to the Stock Exchange Committee, though they denied any participation with the other parties. Berenger's hand-writing was proved; and the coat, purchased at Solomon's of Charing-cross, was identified as having been bought and worn by him, and then sunk in the Thames, from whence it was accidentally drawn up by a fisherman. M'Rae, who was in distressed circumstances, lodged at Mrs. Alexander's in Fetter-lane; and received £50 for his services; he made no defence:—Mr. Serjeant Best, for the defendants, contended, and proved by calling Lord Yarmouth, Col. Torrens and Admiral Beresford, that Lord Cochrane, was acquainted with De Berenger, on honourable grounds, not arising from Stock-jobbing transactions, having exerted himself to get him into the navy; likewise that he had authorised his broker to sell his stock whenever he could get a profit of one *per cent.* To account for the £450, in notes found upon De Berenger when taken, being the produce of a cheque of Mr.

Cochrane Johnstone, he called Mr. Tahourdin, the solicitor, and other witnesses, who proved that Mr. de Berenger had been employed to survey some grounds belonging to him, near the Regent's park, upon which it was in contemplation to build a new Ranelagh, and for which prospectuses had been issued. For this service Tahourdin had remitted him money on Mr. C. Johnstone's account. Mr. Serj. Pell, addressed the Jury in behalf of Sandom, Holloway, and Knight. An alibi was set up on the part of De Berenger; and his servants, Smith and his wife, were called to prove that he slept at home on the night of Sunday Feb. 20; and M'Guire, a servant at a livery stable, deposed that he saw him at Chelsea, on that evening; but they varied as to the dress he wore. At three on Thursday morning the Court adjourned it afterwards met at ten o'clock, when, Mr. Gurney having replied, Lord Ellenborough took two hours to sum up. The Jury then retired two hours and a half; on their return they found

ALL THE PERSONS GUILTY.

On the 20th of the same month (June), Mr. Gurney moved the judgment of the court upon the defendants, who all appeared except Cochrane Johnstone and M'Rae. Mr. Serjeant Best applied for an arrest of judgment in behalf of Mr. Butt, and Mr. Parke in behalf of De Berenger, which was refused. Lord Cochrane and Mr. Butt severally solicited the court for a new trial. This was also refused, and the defendants, after some remarks from Mr. Gurney, retired. The next day they were again brought up, and received the following judgment from Mr. Justice Le Blanc: "That the defendants, Lord Cochrane and Butt should pay each a fine of 1000*l.* to the King, the defendant Holloway a fine of 500*l.*, all the six defendants to be imprisoned for one year in the custody of the Marshalsea, and that the defendants Lord Cochrane, Butt, and De Berenger, should once during that period stand in and upon the pillory for one hour, between the hours of twelve and two at noon, in the open space facing the Royal Exchange, in the City of London."

In pursuance of this judgment we find Lord

Sir Thomas Cochrane, a Knight of the Bath, a Post Captain in the Navy, and a Member of Parliament for Westminster, the colleague of Sir Francis Burdett, imprisoned in the King's Bench prison, with the prospect of a year's confinement, and the pillory to boot. And from the time of his incarceration began the eventful routine of occurrences which followed as its consequences.

Almost immediately after the sentence was put in force, in a conversation in the House of Commons, respecting the conviction of Lord Cochrane and Mr. Cochrane Johnstone, Mr. Broadhurst said, that he should on Tuesday move for a copy of the conviction (supposing that an arrest of judgment or a new trial was not in the interval applied for), when the Noble Lord and the Honourable Gentleman implicated might appear in their places, and defend themselves if they thought proper. It appeared to be the intention of the Honourable Member, to move subsequently for their expulsion. Accordingly, upon the strength of the above, on the 5th of July, Mr. Broadhurst moved the order of the day for taking into consideration the record

of Lord Cochrane's conviction, and his Lordship was called in and desired to take his seat. The copy of the conviction having been read, Lord Cochrane rose and read a very long statement, many passages of which reflected strongly both upon the learned judges and special jury, by whom he was tried, and it was hinted would be unsafe to publish. His Lordship, in the course of his speech, declared that he came not there to bespeak compassion, or to pave the way to pardon, both ideas being alike repugnant to his feelings. That the public had felt indignation at his sentence—a sentence more heavy than had ever yet been laid upon persons clearly convicted of the most horrid of crimes—did honour to their hearts, and tended to make his country dear to him, in spite of what he had suffered from the malignity of persons in power. In the presence of that House, with the eyes of the country fixed upon him, he most solemnly declared his innocence of the crime laid to his charge. He complained of the extraordinary means which had been practised to effect his conviction; of the Stock Exchange Committee,

avowed stock-jobbers, forming a sort of court, alluring witnesses by offers of great rewards, taking minutes, publishing them, and all previous to the indictment being preferred, in order that suspicion and an immoveable prejudice might be excited in the minds of the whole nation against their intended victim, and that the grand jury might be induced to find a bill. He was aware that from those in power, whom he had endeavoured to bring to justice, he had every thing to dread that malignity could devise and cunning perpetrate. His endeavours, though humble, to expose the sources of corruption, his frequent mention of the pension lists and the prize courts, and his efforts to exhibit the frauds practised by the phalanx of the law, upon his ill-treated brethren of the navy, had created him many enemies.

He next adverted to the means which had been adopted to ensure his conviction. Had he been tried at the Old Bailey, the proper court, the common jury would have acquitted him. His trial was therefore removed, that his fate might be

decided by a *special* jury. It was notorious that these special jurors followed the business as a trade; that they were paid a guinea each for every trial; that it is deemed a favour to be put upon the special jury list; that persons *pay money* to get upon that list; that if they displease the judge, care is taken to prevent them from serving again; or, in other words, to turn them out from a profitable employment. And (asked his Lordship) have I been tried by a jury of my countrymen? No, sir. His Lordship then gave some explanations, which made a deep impression. His connexion with the funds arose in the following manner:— Mr. Butt recommended him, in October last, to place his spare money in government securities, when he answered, that it was invested in private securities and land. Mr. B. replied, that he might gain, without advancing the principal, and offered to conduct the business for him. His Lordship refused; but Mr. Butt, a few days afterwards, brought him 480*l.*, saying, that it was the profit of a speculation made for him. Not wanting the money, Lord C. told him to sport with it till he

had lost it. Between that period and the 19th of Feb., he had gained, and placed to his account, without fee or reward, 4,200*l*. It was without his knowledge that his case had been mixed with the other defendants. He had no share in setting up Berenger's alibi. His Lordship complained, in very bitter language, unnecessary to repeat, of the manner in which the Chief Justice had misdirected the jury, and, declaring that he required justice, but not mercy, withdrew.

Mr. Broadhurst moved, "That Lord Cochrane, having been found guilty of a conspiracy, ought to be expelled that House."

Mr. Brand thought the record was not sufficient to decide the Noble Lord's guilt or innocence. There were many strong points, stated by him which ought to be inquired into; there were also five witnesses to depose to Berenger's dress. The prosecutors had acted with a most indecent activity, to erect themselves into a tribunal, to advertise for witnesses, take minutes, and prejudice guilt.

Mr. Barham had all along doubted the Noble

Lord's guilt, and now his doubts were stronger than ever. There had been an active combination against the Noble Lord, who, from the pride of innocence, had not taken even the usual steps to defend himself.

Mr. Ponsonby pointedly reprobated that rule of court which had prevented the Noble Lord obtaining a new trial; it could not plead antiquity, for it was only of twenty years' standing. If the Chief Justice had mischarged the jury, a wish to investigate it was not unreasonable. Another strong circumstance was, that the Noble Lord had said that he could prove that the notes found upon De Berenger had come into his possession without his Lordship's privity. He wished the question to be adjourned; he could not sleep soundly, after voting for expulsion.

Mr. Stuart Wortley said, that before he had *some* doubts, now he had *great ones*. He wished for a select committee, but could not vote for expulsion.

Mr. Whitbread said, that it had always been his private opinion that, unless the colour of the clothes and the bank notes could be explained, he

should not doubt his guilt; now, after what he had heard, he thought him innocent. He would vote against the expulsion.

Sir F. Burdett thought the Noble Lord appeared but slightly connected with the transaction, and he had declared on his honour that he was innocent: such a declaration, from a man of a profession the life and soul of which was honour and glory, ought to have weight. He believed his Noble Friend (for he would style him so) was truly innocent. He should have thought that the public and heroic exploits he had achieved ought to have protected him against one part of the sentence, at least, even if guilty (*general cheering*), and which was to the majority of the country cruel, disgusting, and dreadful beyond example. Such a practice was only accounted a misdemeanor, and liable to be punished by six months' imprisonment. But Lord C., with those feelings natural to his rank, was to be punished by imprisonment, fine, and pillory. It was most unnatural to suppose that a man so indifferent about money as Lord C. would become

a swindler—and that he who was one day a hero, should the next be a cheat (*hear*).

Lord Castlereagh, Sir W. Garrow, and Mr. B. Bathurst, supported the motion.

The motion for adjourning the debate was thus negatived by 142 to 74 ; and the motion for expelling Lord Cochrane was carried by 140 to 44.

A similar vote took place with regard to Mr. Cochrane Johnstone, his uncle, who was in France.

In consequence of the above proceedings in the House of Commons, Lord Cochrane was continued a prisoner in the Bench, and a vacancy was occasioned in the representation of Westminster. Accordingly, on Saturday, July 16th, a great concourse of people assembled in Covent Garden, to witness the election of a new member in Parliament, in the room of Lord Cochrane, expelled. Sir Francis Burdett concluded a thundering speech by proposing the re-election of Lord Cochrane, which was seconded by Mr. Sturges. Mr. Wishart and Mr. Alderman Wood severally addressed the meeting, and the motion was carried unanimously.

After the election, the Westminster committee, accompanied by Sir Francis and Mr. Jones Burdett, repaired to the King's Bench prison to congratulate Lord Cochrane upon the result.

His Lordship, however, although re-elected, remained in the King's Bench as a prisoner for several months—so long, indeed, as the whole of the winter recess, and until the re-opening of Parliament in March of the following year, 1815.

About this time, however, he felt anxious to take his seat, for the purpose of once more agitating the question of his conviction, and therefore began to turn his thoughts towards his escape. This he effected on the 6th of March, 1815, and a reward of £300 was offered for his apprehension; he was not however retaken until the 21st of June, when he made his appearance in the House of Commons.

There have been published, at least, fifty accounts of this famous escape; some in print—some with curious exaggerations and contortions by word of mouth—all unauthorised—and all incorrect. One of these current anecdotes declared that he came out concealed in a sofa-bed—another

says he was sown up in a tick with a *bond fide* heap of feathers—a third, that he bribed the turnkeys—and a fourth, that he passed the gate in disguise, but that his egress was winked at by the authorities. Who shall decide when doctors disagree? Not we, truly. We shall content ourselves if our readers accept the following as the most probable account of the achievement.

When Lord Cochrane heard the plan for his escape, he contrived it as follows:—he was visited in a room in the State House, by three or four Life Guardsmen, who had been previously prepared for the scheme, one of them being a Corporal or Serjeant, and the rest privates. A cast of Lord Cochrane's features had been taken in plaster of Paris, which his Lordship had prepared for the coming of his military visitors. The non-commissioned officer also took the measure of his figure, and when this was done,—after remaining a reasonable time,—the soldiers left, one of them taking the cast of his Lordship's countenance in his handkerchief. The non-commissioned officer then or before paid one or two more visits, each time

changing one or two of his comrades, in order that his coming at different times might avert suspicion, and appear in the regular course of other visits to prisoners confined. The soldiers did not on all these occasions seek a conference with Lord Cochrane, and indeed it is probable that they were in the first instance visitors to some other prisoner. The escape eventually hinged on this. The non-commissioned officer, by the aid of his cast and measure which he had taken, succeeded in picking out of his regiment a man very nearly resembling Lord Cochrane, and about the same height and figure. This person, with one or two more soldiers, soon after accompanied him into the Bench, and repaired to the room in the State House, where his Lordship was, when he dressed himself in the soldier's uniform, and leaving the man behind, to follow in a common suit of private clothes, which he had provided for him, he, towards dusk, walked coolly out of prison with the non-commissioned officer and the other men, without the turnkeys preceiving the transformation of persons under the same garb. The *ruse* was in

every respect a likely one to succeed, and as Lord Cochrane or, we presume, any body else could escape from the Bench, if it were worth their purpose, in another way, it would have been of little consequence if it had failed. The plan was simple, but it appears to us very unlikely to be discovered, as the turnkeys were used to the visits of the soldiers, and would scarcely have taken note of the countenances of each, on every occasion of ingress to or egress from the prison; nor, even were this the case, does it seem probable that in a dubious light, the difference between two faces very nearly alike would be remarked when the figures were equal, and the garb precisely the same.

Having once emancipated himself from the walls, Lord Cochrane left town, and, in spite of the rewards offered for his apprehension, evaded all pursuit, until he was again taken into custody on Tuesday, the 21st of March, in the House of Commons, under circumstances which render it as remarkable as his escape from prison. About half-past one o'clock, his Lordship was seen

passing hastily through the avenues of the house to the lobby, across which he went with great precipitation into the body of the house. After remaining there a short time, he came out again and went to the office of Mr. Dorrington, to take the preliminary steps necessary to his taking his seat in the House, and a messenger, at his request, was despatched to the Crown Office in Chancery-lane, for the writ of his return as the representative of the City of Westminster. His Lordship then returned to the House, and, taking his seat on the Treasury Bench, took from his pocket a pamphlet and some manuscripts, which he began to read in a loud tone. Information of his Lordship's appearance in the House having been sent to the King's Bench, the officers, accompanied by William Jones, Esq., the Marshal, set off in search of him. Mr. Jones entered the House of Commons, accompanied by Mr. Lavender the officer, Mr. Pace, and Mr. Gibbon, his own tipstaff. Lavender and Pace advanced respectfully towards his Lordship, and the former said, "My Lord, you are my prisoner." Lord Cochrane imme-

diately demanded his authority : upon which Lavender replied, " My Lord, my authority is the public proclamation of the Marshal of the King's Bench prison, offering a reward for your apprehension." Lord Cochrane then said he was there in attendance to resume his seat as one of the representatives of the City of Westminster, and that he would obey no such authority. The officer then took his Lordship by the arms, and requested him to accompany them. He refused, however, and resisted their efforts to remove him, struggling and kicking with some violence. He was at length overpowered, and Lavender perceiving him put his hand towards his pocket, he was led to believe he was not without fire-arms. This idea induced him, as a measure of precaution, to search his Lordship's pockets; but he found nothing, save a few loose papers, some snuff, a bottle containing some chemical acid, and three or four pistol bullets. On the snuff being pulled out, his Lordship said—" That is snuff. I candidly own to you, that I intended to throw it into the eyes of any one that should attempt to interrupt

me." His Lordship was finally conveyed out of the house; and, on reaching the lobby, he proceeded quietly, but evidently labouring under considerable agitation, escorted by the officers into Palace-yard, when a coach was called, and his Lordship was reconducted to the King's Bench prison, and once more safely lodged within its walls. He was placed in the strong-room without fire, and whilst there was visited by Mr. Bennett and Mr. B. Wilbraham, who, with others of a committee appointed to inquire into the state of the prison, happened to be on the spot. His Lordship, in reply to various questions, said that he considered himself an ill-used man—that he ought not to have been sent to prison; Cochrane Johnstone had robbed him of 4000*l.*, that he went to the House of Commons to have the question again agitated; never had a thought of leaving England; and had been all the while in London.

In the evening the following debate took place in the House.

The Speaker stated, that he had just received a letter signed by Mr. Jones, the Marshal of

the King's Bench, dated " Lobby of the House of Commons, Tuesday, 4 o'clock, March the 21st," which he should read to the House. Its substance was as follows:—

" Sir,—I beg leave to inform you, that Lord Cochrane, who had escaped from his sentence of imprisonment in the prison of the King's Bench, was in the House of Commons between two and three o'clock this afternoon. I thought it my duty to apprehend him, and I have conveyed him back to the King's Bench prison. I shall be obliged to you, Sir, to inform the Honourable the House of Commons of this circumstance; and that I am in waiting to hear their pleasure. I humbly hope that I have not been guilty of any breach of the privileges of the House, and that, if I have offended, it will be imputed to an error in judgment, and to no wish to offend the House."

Lord Castlereagh thought it was clear that the Marshal could have no intention of offending the House. He was not aware that the chamber in which they sat possessed any peculiar privileges when the House was not sitting.

Mr. Wynne.—The only light in which he could view the matter was, as to the entrance of a peace officer into the House without permission. This, when the House was sitting, would be a high breach of privilege; but, when not sitting, no privilege appertained to those walls.

Mr. Tierney should like to hear the authority of the Speaker on the subject, but he hoped some proceeding would be instituted, that the circumstance might not improperly be drawn into a precedent, as it was possible that much inconvenience might occur.

The Speaker.—The case was new to them all. He had little doubt that the officer was not likely to incur the displeasure of the House.

The individual acquired no special protection by entering the House at the time he did; but, having been legally returned a member, if considered as coming down to the House to take his seat, a case seemed to be made out, in justice to the House itself, for referring the matter to the Committee of Privileges, to examine whether any foundation of complaint existed.

Lord Castlereagh moved that the Marshal's letter be referred to the Committee of Privileges. Mr. Bennet stated that he had just come from the King's Bench prison, and had seen Lord Cochrane, whom he found confined in the strong-room, which was about fourteen feet square, without a window, a fire-place, or a bed. He did not know how long the Noble Lord was to be confined there; but the place was totally unfit for the confinement of any person.—Referred to the Committee of Privileges to report thereon. Adjourned.

March 23rd. Mr. Rose brought up the report of the Committee of Privileges, which stated briefly that they had read the letter of the Marshal of the King's Bench, and inquired thereon. Lord Cochrane was confined in the King's Bench prison, under a sentence, and his imprisonment did not expire till June 21, 1815. He had received no pardon, or remission of sentence, but he had escaped from the prison, had come to the House of Commons, and placed himself on the bench, to the right of the chair, and sent to the crown officers for the

documents necessary for his taking his seat. The Marshal of the King's Bench had entered and taken his Lordship, notwithstanding his remonstrances. It appeared that his Lordship was returned for Westminster on the 18th of July, 1814. The committee considered the case as quite novel, and it did not appear to them that the privileges of the house had been violated, so as to call for any interference of the house. The report was ordered to be printed.

After this event Lord Cochrane was continued in an unfit and unhealthy strong-room—upon the then state of which, and the cruelty of confining prisoners in it, we shall yet have to remark—experiencing a great deal of personal suffering and inconvenience, until the complaints of this sort of treatment, less from his Lordship than from his constituency (in a letter to whom he had stated his grievances), grew so loud as to elicit the following explanatory statement from

MR. JONES, MARSHAL OF THE MARSHALSEA.

Lord Cochrane having employed all the means

in his power to create a belief in the public mind that he has been improperly treated during his confinement in my custody, as Marshal of the King's Bench prison, I feel it a duty which I owe to myself, to give a full statement of the facts concerned with my official conduct to his Lordship, when the public will be qualified to determine whether he ought not to have entertained the most favourable, not to say the most grateful sentiments for my mode of acting on the occasion, instead of endeavouring to impute to me a severe exercise of my authority, by paragraphic statements in the public papers.

Lord Cochrane had repeatedly acknowledged to his most intimate friends, that, previous to his escape, every thing had been done, by myself and my officers, for his comfortable accommodation. I shall, therefore, confine myself to the circumstances which took place subsequent to his being brought back to the King's Bench from the House of Commons. At that time, I thought it my duty to put him in a room called the strong-room, being the only place of adequate security

for such a prisoner, in such a peculiar situation, and openly making such declarations as he thought proper to address to me ; for he had not been many moments in the place to which my official duty had consigned him, when he, without the least reserve, informed me, that he could, at his pleasure, make his escape out of any prison, and that he had determined to leave the King's Bench on the anniversary of the day when he effected his escape at Malta, from a much stronger place than the room which then enclosed him.

If a humane and kind concern for this unfortunate nobleman had not softened the solicitude I naturally felt for my own security, I could have committed him, on my own warrant, for the escape, to the new gaol in Horsemonger-lane, for the space of a month, and that power is still within my jurisdiction. Had I thought proper to exercise it, Lord Cochrane would then have been confined in a solitary cell, with a stone floor, with the windows impenetrably barred, and without glass ; nor would it have proved half the size of the strong-room in the King's Bench, which had

been so much complained of, and which had a boarded floor, and glazed lights. I had not recourse to this extremity, justifiable as it might have been; at the same time it imperiously became me, in the due execution of my duty, to use all possible means to prevent Lord Cochrane from making a second escape; and not having any other place of immediate security but the strong-room, I informed him that he must be contented to remain there for a few days, till I could make the necessary arrangements for his more comfortable accommodation. Nor was a moment lost in preparing and securing (in a temporary way) two very airy and commodious rooms above the lobby, at the entrance into the prison; but as they, after all, might not be ultimately secure against any desperate resolutions of Lord Cochrane to attempt another escape, I thought it right to use my endeavours towards obtaining a security from his Lordship or his friends, to indemnify me for the risk of that indulgence, for such, surely, it may be considered, which I anxiously wished to show him. With this view, I sent him several verbal

messages, declaratory of the terms I proposed on the occasion; when he declined returning any satisfactory answer. But that there might not be any misunderstanding whatever, respecting those terms, which I offered in the hope of his compliance with them, I communicated my expectation in the following letter, viz :—

“ MY LORD,

“ Being desirous of alleviating your imprisonment as far as I am able, consistent with my own safety and the duty I owe to the public, I beg leave to inform your lordship, that I have prepared rooms for your better accommodation, above the lobby of the prison; but as those rooms are not fully secure against a prisoner who (like yourself) asserts a capacity of escaping at pleasure, I feel it incumbent upon me to require, that you should lodge the fine of £1,000, with which you are charged, in some proper hands, and enter into a bond with proper sureties (whom you will be anxious to protect) to indemnify me against any other escape, until you are discharged by due

course of law. Upon having such fine lodged, and upon having such a bond, I shall feel myself justified in permitting you to occupy those rooms, instead of confining you to the strong-room. I therefore think it right to submit this to your consideration; and awaiting your determination upon the subject,

“ I am, my Lord,

“ Your most obedient servant,

“ WILLIAM JONES.”

“ To Lord Cochrane, King's Bench,

“ April 2nd, 1815.”

To this letter, Lord Cochrane did not think proper to return any written answer. I was, however, made to understand, that he had formed a fixed resolution to remain in the strong-room rather than comply with my propositions. I then endeavoured to prevail upon some of his near relations to join in giving security for him (having on my part ceased to insist on the lodgment of the £1,000 fine); but this proposition was answered by peremptory refusal. In the meantime, I had

requested Messrs. Saumerez and Dixon, two gentlemen of medical eminence, to attend his Lordship, with a view to receive their successive reports as to the progressive state of his health; and when Mr. Saumerez reported to me that a longer continuance in the strong-room might be attended with dangerous consequences to Lord Cochrane, I again tried to induce his friends and relations to give me any kind of undertaking against another escape, and on their refusal, I determined myself to become his friend, and at my own risk to remove him into the apartments which have been already mentioned, and where, I am confident, he can have no just cause of complaint. These apartments not being altogether safe against such a person as Lord Cochrane, should he determine to risk another escape, I must look to the laws of my country as my safeguard, in the hope that the terrors of them will discourage him from attempting a repetition of his offence, and prevent him from incurring the penalties of another indictment, in addition to that now hanging over him, with which I feel it my duty to

proceed, and let the law take its course, however my expenses may be augmented, which have amounted to between three and four hundred pounds.

Lord Cochrane, in his address to his constituents, has ventured to state,—“That every engine was set to work to tempt, or to frighten him out of the country, and to allure him back to the custody of the Marshal; and that assurances were given that the door should be kept open at any hour of the night, and that he should be received with secresy, courtesy, and indemnity.” The inaccuracy of this statement, will appear from attention to the following facts:—

I was no sooner informed that Lord Cochrane had effected his escape, than I made every possible exertion to procure his recapture, and accordingly caused hand-bills to be very generally distributed, which contained the offer of a reward of £300 for his apprehension. This step induced Mr. Basil Cochrane to visit me, and by that gentleman I was informed that he was in a state of communication with Lord Cochrane, and expressed

his belief that he should be able to prevail on him to return into prison. Nay, he gave me every reason to suppose that his Lordship would certainly, in the course of a night or two, return into custody. I made known to Mr. Basil Cochrane my determination to remain in waiting for the purpose of receiving him, as I should not suffer him to be readmitted within the walls of the prison without my seeing him. I accordingly sat up several nights, but he did not make his appearance. Mr. Basil Cochrane renewed his visit to me, and repeated the assurance that it was Lord Cochrane's intention to surrender himself; but as he was taking his leave of me, he particularly asked, "whether I should go on with the prosecution for the escape, if his Lordship should surrender himself?" When I told him in plain and positive terms, that whether he surrendered himself or not I should think it my bounden duty to follow up the prosecution, and to let the law take its course, whatever the event might be. On my making this declaration to Mr. Basil Cochrane, I very plainly perceived that I must give up all

expectations of Lord Cochrane's return to the prison in the manner which had been suggested, though I have every reason to believe that his Lordship was for several successive nights within a few yards of the King's Bench wall, with a view of getting back into the prison, and thereby, as Mr. Basil Cochrane acknowledged, to create a hoax against me, by a declaration that he had never quitted it.

Aware as I was of the probability of such an attempt, I placed a sufficient number of watchmen both within and without the walls, to prevent such a scheme from being successfully executed.

This statement will, I trust, not only secure me from the accusation of having acted towards Lord Cochrane with any, the least, degree of rigour or severity, but, on the contrary, will convince the public that he has been treated by me with that indulgence and humanity which have ever influenced my conduct during the twenty-four years I have possessed a very responsible, anxious, and difficult situation.

WILLIAM JONES, Marshal.

King's Bench, 9th May.

In answer to this statement of the Marshal, Lord Cochrane put forth the following reply :—

LORD COCHRANE'S REPLY.

In noticing this statement of the officiating Marshal of this prison, which appeared in the public papers of the 10th instant, I am desirous to be as brief as possible. To his first charge, that I have employed all the means in my power to create a belief that he has treated me improperly during my confinement, and that I have imputed to him a severe exercise of his authority by “paragraphic statements in the public papers,” my answer is, that he is deceived, or that he attempts to deceive others. No paragraphic statement, or statement of any kind whatever, was ever inserted at my instigation, or with my knowledge, in any of the public journals, relative to the Marshal, or his conduct; and I may add, that I never occasioned the insertion of any anonymous article in a newspaper on any matter connected with my case. Neither have I seen any comments in any of the public papers on the severity of the Marshal towards me: but I have seen many slanderous

paragraphs relative to myself; and also several paragraphs artfully worded, speaking of my confinement in the strong-room in the past tense, long before the Marshal had performed his promise of delivering me from that improper and noxious situation. In my late address to my constituents, many of whom had been deceived by such last-mentioned paragraphs, I truly stated, that I had been detained in the strong-room more than three weeks, to the great injury of my health, and was still there detained, notwithstanding the above-mentioned promise on the part of the Marshal.

This was the only complaint, and the only medium of complaint, used by me, as to the conduct of that individual; who was too well known, as an instrument, to be in danger of more than his due proportion of blame, from my representations. Since, however, he assumes more credit to himself for humanity and fair dealing than is strictly his due, I shall, for the present, leave his instrumentality out of the question, and treat with him as a principal. After having

informed me, as he admits, that I must be contented to remain in the strong-room for a few days only, until he could make the necessary arrangements for my more comfortable accommodation, without a word of any conditions on which that accommodation was to be afforded, I contend that he certainly was not entitled to impose such conditions afterwards. It is no new thing for a prisoner to escape, or to be retaken ; but to require of any prisoner a bond with securities not to repeat such escape, was, I think, a proposition without precedent ; and such as the Marshal knew could not be complied with by me, without humiliation, and, therefore, could not be proposed by him without insult. Besides, he had my assurance, that if I were again to quit his custody (which I gave him no reason to believe I should attempt, and which, as I observed, and believe, it was as easy for me to effect from that room as from any other part of the prison), I should proceed no further than to the House of Commons, and that where he found me before, he might find me again ; having had no other object in view, than that of expressing, by some peculiar act, the keen

sense which I entertained of peculiar injustice, and endeavouring to bring such additional proofs of it before the House, as were not in my possession when I was heard in my defence. The Marshal states, that he sent me several verbal messages declaratory of his terms, and that he renewed his propositions by letter. On this I have to observe, that although I received several such messages while the apartments, which he had at first unconditionally promised, were in a state of preparation; yet, when they were ready, which was within a week from my apprehension, I received no communication from him till after another week had elapsed; that is to say, on Saturday, 1st of April, he sent me a verbal proposal; and on Sunday, the 2nd, the day before the meeting of Parliament, he wrote me the letter which he has inserted in his statement. But I am firmly persuaded that neither the message nor letter would have been sent, if the Marshal had not apprehended that the subject was about to be mentioned in the House of Commons. Nor have I the least doubt, that some member of that House was prepared with a copy of that letter to meet the occasion.

The Marshal's declaration that he requested two medical gentlemen to attend me for the purpose of receiving their successive reports, as to the progressive state of my health, is an acknowledgment, not only that he was conscious of the injurious effects of continued confinement in such a place, but that he intended to adhere to his conditions to the last extremity. It is, in effect, an admission that he adopted the military practice of ascertaining, by surgical inspection, the extent to which torture may be inflicted without immediately endangering the life of the victim.

He further admits, that it was not till Mr. Saumerez, the surgeon, had assured him that a longer continuance in the strong-room might be attended with dangerous consequences, nor even then, until after he had made another desperate attempt to enforce his conditions, that he "determined to become my friend," as he familiarly expresses it, and to remove me to those apartments which I ought to have been permitted to occupy nearly a month before. The truth, however, is, that it was not till after the urgent certificate which I received

from Mr. Saumerez, as well as that of my own physician, Dr. Buchan, pointing out the absolute necessity of an immediate change of abode, had been transmitted to the Honourable Mr. Bennet, Chairman of the Committee of Inquiry into the state of prisons, and by him laid before one of the Secretaries of State, and until Mr. Bennet and Mr. Lambton (member for the county of Durham) had remonstrated with the Marshal, that he "at his own risk determined to become my friend."

Mr. Jones boastingly asserts, that if his humanity for an unfortunate nobleman had not lessened the solicitude he naturally felt for his own security, he could, by virtue of his own warrant, have committed me to a solitary cell in Horsemonger-lane, for the space of a month, and he has not forgotten to add, that such power is still within his jurisdiction. Mr. Jones, however, is not the only person in authority who has been taught, that vindictive punishments cannot be inflicted without exciting a degree of odium, which those who so "naturally feel a solicitude for their own security," do not deem it prudent

to encounter. Further, though a solitary cell in Horsemonger-lane may, as he says, be only half the size of the strong-room, it could not, I apprehend, have been more gloomy, damp, filthy, or injurious to health, than the last mentioned dungeon. And since he could only have confined me in the former place for a month, and did confine me in the latter for twenty-six days, I can scarcely see that degree of difference which should entitle him to those "grateful sentiments for his mode of acting on the occasion," which he submits to the public that it is my duty to entertain.

The "glazed lights" mentioned by Mr. Jones were not put up till after I had been thirty hours in the place ; and I have always understood that I was indebted for them to the good offices of Mr. Bennet and Mr. Lambton, who happened to be prosecuting their inquiry into the state of the prison at the time of my return. For this and all other mercies of the said Marshal, my gratitude is due to their friendship and sense of duty, and to his dread of their discoveries and proceedings.

It may further be observed, that if Mr. Jones had committed me to a solitary cell, "by his own warrant for the escape," he could hardly have had the conscience to persevere in persecuting me for that escape, which, notwithstanding his "humane and kind concern for an unfortunate nobleman," he expresses his inflexible determination to do.

With respect to the expense of three or four hundred pounds, which the Marshal complains that he has incurred on this occasion, he has, I hope, the consolation of knowing that the fortunate nobleman who does him the honour to share in the emoluments of his office (*viz.* £60,000 annually wrung from the bowels of misery) will cheerfully contribute his proportion.

Mr. Jones is not a little impertinent in his expression of a "hope that the terrors of the law will discourage me from a repetition of my offence." I can hardly bring myself to acknowledge the authority of this person, notwithstanding the virtue of his "own warrant," to denominate any action of mine an offence against the laws, till it has been proved upon me as such. Still less

can I admit the propriety or decency of his insinuation, that if I have once violated the laws, it is by fear only that I am to be prevented from violating them again. Mr. Jones, with all his authority, is no adequate judge of my actions, and wholly incompetent to come to any accurate decision as to the nature or value of the motives in which they originate.

Part of a sentence contained in my late address, which Mr. Jones says is inaccurate, he has himself rendered so by his false and garbled quotation. He denies that any attempts were made to "smuggle me in again," if I may be allowed the expression ; and I am assured that they are the very words used by the officiating Marshal himself, when expressing his solicitude for my immediate and secret return. He denies that assurances were given, as stated in my said address, that the doors should be kept open, at any hour of the night, and that I should be received with secrecy, courtesy, and indemnity. I repeat, however, on the authority of three persons, that such assurances were given, and that the Mar-

shal's account of the circumstances is essentially erroneous.

But the most flagitious misrepresentation contained in this unprovoked statement of Mr. Jones, is his assertion, that he has every reason to believe that, for several successive nights, I was within a few yards of the King's Bench prison wall, with a view of getting back into the prison, and thereby to create a hoax against him, by a declaration that I had never quitted it!—It is here necessary that I should tell Mr. Jones that he is less indebted to the strength of his "warrant," than to the weakness of his age and his aforesaid instrumentality, for the impunity of his slander. A report that my object was not such as I alleged—that it was not to expose the injustice of my conviction of one fraud, but to perpetrate another, is precisely what my oppressors would wish to be believed: but fortunately it can be proved to be unfounded. The Marshal is aware that almost as soon as I had left the prison, and before he knew I had left it, I sent that letter to the Speaker of the House, which is inserted in my late

address to my constituents. How, then, can he assert that he has every reason to believe that the object of my departure was to return secretly for the base and contemptible purpose of practising a hoax upon him! Must I not have known that the letter to the Speaker would have evidenced the folly and falsehood of my conduct, and exposed me to detection and contempt? The truth is, that so far from being for several successive nights within a few yards of the prison wall, I was never so near them, within an hour after my departure, down to the moment of being apprehended in the House of Commons, as I was when that apprehension took place. As soon as I had written to the Speaker, I went into Hampshire, where I remained eleven days, and till within one day of my appearance in the House of Commons. During that period, I was occupied in regulating my affairs in that county, and in riding about the country, as was well known to the people in the neighbourhood, none of whom were base enough to be seduced by a bribe to deliver an injured man into the hands of his oppressors. In replying to such a statement as that of Mr. Jones, it is

impossible not to call to mind the unfounded and mischievous report which was propagated at Bury St. Edmund's during the assizes of last summer, when the Marshal of the King's Bench accompanied the Lord Chief Justice through the circuit. For the particulars, I refer to the Appendix (No. IV.) of my Letter to Lord Ellenborough.

When the Master of the Crown-office visited me last week, in his official capacity, for the purpose of inquiring whether I had any complaint to make, I immediately answered, "None at all; I have no complaint to make of the Marshal, nor any of the officers of the prison." This demonstrates the falsity of Mr. Jones's assertion, that I have employed every means in my power to create a belief that I have been improperly treated by him during my confinement in his custody. Indeed, of Mr. Jones I have never entertained an angry thought, nor scarcely any thought at all. I have never considered him in any other light than as an instrument (rather unwilling than otherwise) in the hands of others; and my quarrel is not with him but with his superiors.

COCHRANE.

This reply to the Marshal was dated May the 12th, 1815, and on the 21st of June following the term of his Lordship's imprisonment expired, and he was of course released. With his many subsequent adventures, his restoration to his title, and his succession to the Scottish peerage which he now represents as Earl Dundonald, we have nothing to do. We have fulfilled our duty by laying before our readers the very curious and interesting occurrences which led to his imprisonment. We have unfolded the mystery of his escape from custody, we have printed the important history of his subsequent residence in the King's Bench, and at the same moment in which he has left the domain of the Marshal of the Marshalsea, we have also the honour to bid adieu to his Lordship.

In doing this, we will also venture to express a hope, that his Lordship will one day place before the public, under the sanction of his own pen, his own account of all the occurrences we have narrated, and not of those alone, but of the other eventful incidents of his extraordinary life.

The bare episode which we have given, is full of interest, but there are other adventures by sea and land, that we should like right well to peruse. By the way we must remark, in allusion to his Lordship's confinement in the Bench, that under the late Marshal, the strong-room was for years no better than a loathsome dungeon, well deserving its original nomenclature of the **HOLE** !

PART VII.

THE KING'S BENCH.

THE KING'S BENCH.

CHAPTER VI.

THE MOCK ELECTION.

“Freedom of Election.”—*Popular Cry.*

HAVING taken leave of Lord Cochrane, we return at once to the prison from which he escaped, to a matter of very merry moment.

In the year 1827, the King's Bench became the scene of a very droll and laughter-moving occurrence, which, independent of the noise which it made at the time, has since acquired a higher degree of notoriety from having been made the subject of one of Haydon's most celebrated pictures. We suppose we should be entailing upon ourselves the eternal displeasure of our readers if we did not regale them, or at least try to do so, with an account of the “Mock Election.” This far-renowned occurrence appears to have

arisen out of the peculiarities and eccentricities of a Lieutenant Meredith, who had been for some time a prisoner, and in his own person no small source of amusement to his brother debtors. The crowning joke of all though, with which he was oddly connected, was the mock election for the newly-erected borough of Tenterden *.

On Wednesday, the 9th of July, it was officially communicated to this gentleman that two members from the body of prisoners were to be elected to represent the above-named borough in Parliament, for the purpose of redressing all grievances under which the inmates of the gaol might labour, and assisting the Marshal in the performance of the various duties connected with the prison. It was at the same time hinted to Mr. Meredith that if he felt inclined to become a candidate, the glorious opportunity was before him.

Meredith no sooner heard the news than he was delighted. He had long been, he said,

* Lord Tenterden was then Chief Justice of the Court of King's Bench.

anxious for the honour of a seat in the house, and he now began to canvass for it, as though it were indeed his hobby. He made himself busy among the electors, and went from room to room in the different staircases collecting votes.

The hoax having so far taken, and succeeded to the wishes of its waggish plotters, temporary hustings were raised, it having been announced that a Mr. Staunton, the unsuccessful candidate for Penryn, and a Mr. Bish, were to start for the borough of Tenterden. These gentlemen, in order to carry on the joke, commenced their canvass with great spirit in opposition to Mr. Meredith, who was to be seen running about in all directions for the purpose of securing his election.

The next day a sheriff, scrutineers, poll-clerks, and the other officers required in a contested election, having been appointed, the candidates commenced addressing the electors from the hustings, in speeches fraught with humour. Mr. Staunton particularly interested himself in the frolic, and appeared on each of the days

dressed up in the most grotesque manner imaginable. The following words were repeated by each of the electors on giving his vote:—"The debt for which I am confined is over 10*l*. I have paid my chummage, and have regularly paid up all dues to the Marshal." The poll-clerk then said, putting a piece of wood into the voter's hand, "All this is true, so help your bob. Kiss your tibby."

As the election progressed, electioneering squibs were circulated all over the prison, and it was truly ludicrous to behold the eagerness with which Mr. Meredith solicited the suffrages of the electors, and the chagrin he manifested whenever it appeared that either of the other candidates were heading him on the poll.

The spirit of the election was kept up with incessant hilarity for many days, on one of which, in the height of the contest, a creditor called at the gaol, and observing so much amusement going forward, meeting none but smiling countenances, he remarked, "It could be no punishment to place a man there;" and having sent for

the prisoner who was indebted to him, he had him released immediately, adding, that he thought he should have a better chance of getting his money than before.

But as laughter is frequently the forerunner of tears, and play leads to mischief (old schoolboy truisms in all conscience), so in the King's Bench was the order of dramatic representations reversed, and a tragedy followed the farce of the mock election.

The circumstances were indeed extraordinary, and will, we suppose, never happen again in this country.

All the week the election had been going on, and on Saturday it was resumed, and progressed throughout the day with perfect good humour. The candidates, the committee, and other official persons, occasionally parading round the building with music, banners, &c., sometimes for the purpose of bringing up voters to the poll, and at other times, to give *eclat* to the visits of the candidates to the respective apartments of those who were somewhat backward in giving their suffrages.

The proceedings closed at seven o'clock with a speech from each of the candidates, and the announcement from the high sheriff, that the election would finally close on Monday, when the successful members would be chaired in due form.

In the interim, the committee were actively engaged in arranging the plan of procession, procuring additional flags, decorations for the chairs, and other paraphernalia ; and on Monday morning they assembled for the purpose of swearing in an additional number of constables to preserve the peace : and they also issued an exhortation to their fellow collegians, to conduct themselves in an orderly and peaceable manner. A programme of the intended chairing was placed upon the walls, and an abundance of good-humoured squibs were circulated in the course of the morning ; and in fact, the whole affair was an admirable burlesque upon a contested election for " M. P.'s," and with this pleasant exception, that none of the acrimony prevailed which sometimes exists at contests of a more exalted and important kind. Just, however, as the committee were about to commence opera-

tions, by escorting the high sheriff to the hustings, to open the poll, some surprise was created by a message from Mr. Jones, the Marshal, requiring the presence before him in the outer lobby of the candidates. Messrs. Stanton, Meredith, and Birch, immediately attended, and having been informed by the Marshal, "that he would have no disturbance in the prison," they were ordered into close confinement in the strong room. The intelligence of this step, which was considered a most extraordinary one by the prisoners, created a strong feeling throughout the place, and a meeting of some of the collegians was forthwith held on the racket-ground, for the purpose of considering the best mode of protesting against such an act on the part of the Marshal.

Before any measures could be adopted, however, the Marshal, who had obtained the names of the persons acting as high sheriff, committee men, &c., sent a message to the former, and several of the latter, requiring their attendance before him. After some conversation among themselves, this answer was returned: "That the gentlemen who

had previously gone up had readily attended; because they expected no more from the Marshal than a caution to be orderly and peaceable in their proceedings ; but after the very extraordinary manner in which they had been treated, they (the committee, &c.), must decline seeing Mr. Jones, unless he chose to come within the walls, or pledge himself that no unfair advantage should be taken of their attendance upon him in his own room." In a few minutes the turnkey brought a peremptory order for the attendance of the individuals before the Marshal; and the answer was, that they would not go; they had created no riot, committed no offence, and they would not run the risk of being treated as their three fellow prisoners had been. At this time there were not more than sixty or seventy persons upon the racket-ground, and certainly not the least indication of riot, unless the refusal to go before the Marshal, expressed in respectful language, and in a determination evinced by those assembled to support each other, could be so called. A rumour soon after found its way into the prison, that the Marshal

had applied for the aid of a large body of the police, which had been refused, and that he had determined to call in the military to his assistance. This latter part of the report was considered perfectly absurd, and was laughed at, no one supposing for a moment, that the Marshal would venture upon such a step. About four o'clock, however, a cry of, "They are come, they are come," drew attention towards the gate; and to the utter astonishment of every one, a party of soldiers, six in number, of the Grenadier Guards, headed by a serjeant with his halbert, marched into the prison, accompanied by some of the turnkeys. It is impossible to describe the sensation created by their appearance.

Amongst the male inmates one universal feeling of indignation seemed to prevail; with those of the other sex, including the wives and children of prisoners, great alarm was manifested, and women and children were seen running in all directions, screaming and crying, appearing to apprehend some dreadful result. It was known that more soldiers were in waiting outside, and no one could

tell where the matter would end. The turnkeys pointed out two of the individuals who had been desired to attend the Marshal, Messrs. Murphy (High Sheriff) and Holt, and they were seized by the soldiers, and conducted before Mr. Jones after the manner of deserters, or other offenders against martial law. A Lieutenant Newman was the next person seized, and having shown a disposition to offer resistance, the serjeant presented the point of his halbert towards him, and he then went quietly along. Mr. Rooke, a gentleman well known as holding an official situation in a county not far from London, was the fourth person whose presence in the Marshal's room was required; and he having retired to his own apartment with a determination not to remove from it, except by force, was fetched down by the soldiers, and conducted, in the same manner as the other persons, before Mr. Jones.

When the four individuals were in the presence of the latter, he took a written paper from his table, and called upon a turnkey named Walker, and a man who acts as a watchman, named Williams, to sign it. This was done, and an order was instantly

given by Mr. Jones to conduct the gentlemen into the strong room. Mr. Rooke said, "Am I not allowed to make an observation, Mr. Jones?" To which the Marshal replied, "Go along into the strong room, sir, or you will be taken there by force;" and at the same moment the door was opened and the soldiers again appeared. The four gentlemen were then locked up with the other three in a room twelve feet square, and remained there all night. This room was in a miserable filthy condition, and had a water-closet in one corner, near the fire-place.

Mr. Rooke was loud in his complaints at this treatment, and insisted upon being allowed to send for a gentleman of the legal profession, but this was not permitted. He then asserted his right to lay a complaint upon affidavit before the Lord Chief Justice instanter, and demanded that a messenger should be sent to procure the attendance of his lordship's clerk, in order to take his affidavit; but this was not done.

At an early hour the next morning, Lieutenant Meredith, who was an eccentric individual, and

occasionally subject to nervous attacks, was seized with strong convulsions, and continued in a dreadful state for several hours, occasionally discharging a quantity of blood from the stomach, and exhibiting other very alarming symptoms. A surgeon attended him, and pronounced him to be in some danger; but he was kept in the strong room until the afternoon, when he was suffered to be taken to his own room, where he long remained in a precarious state.

Mr. Rooke was informed in the morning, that if he would make an apology he would be liberated; but his answer was, that having committed no offence he, of course, could have nothing to apologise for. About one o'clock he was conducted before the Marshal, who again asked him to make an apology, and again received a decided negative. After a few minutes' conversation, he told Mr. Rooke that he might go inside the walls for "this once." The remaining five were still in the strong room. Mr. Rooke told Mr. Jones that the matter should not rest thus. The soldiers, fourteen in number, remained in the prison all night. The

public coffee and porter rooms were cleared by ten o'clock by a constable and serjeant of the guard. When the soldiers first seized Messrs. Holt and Murphy, there seemed to be an inclination on the part of some of the prisoners to molest them, but Mr. Holt urged them to be quiet. The "Election" had gone on for three days in the previous week without any interruption, and during these days the turnkeys polled one by one, and seemed to enjoy the fun.

Instructions were given to a legal gentleman to proceed against the Marshal on behalf of the seven persons confined in the strong room. It was stated that the Marshal failed in an application for assistance to the civil power, and that Mr. Colwell made an affidavit that the prisoners were in a state of riot; and this affidavit being taken by the Marshal to the Secretary of State for the Home Department, a serjeant's guard was ordered from the regiment on duty at the palace to go to the prison. A petition to the Secretary of State was put in course of signature throughout the prison, praying for an inquiry on the spot into the transaction

described; but we do not know if it met with attention, or what were the results.

At the time the above occurrence took place, Mr. Haydon, the artist, happened to be an inmate of the prison, and at the request of some friend undertook the portrayal of the scene of election upon canvass. He produced an extraordinary and very beautiful picture, which was, we believe, sold for four hundred pounds. This work of art was for some time exhibited, and curiosity was everywhere raised about the circumstance which it described. Haydon's description of the picture supplies also a good deal of information about the election itself.

"I begin," he says, "with the 'mock chairing,' which was acted on a water-butt one evening, but was to have been again performed in more magnificent costume the next day. Just, however, as all the actors in this eccentric masquerade, high sheriff, lord mayor, head constable, assessor, poll-clerks, and members, were ready dressed and preparing to start, the Marshal interposed and stopped the procession. Such are human hopes.

“About the middle of a sunny day, when all was quiet save the occasional cracking of a racket-ball; while some were reading, some smoking, some lounging, some talking, some occupied with their own sorrows, and some with the sorrows of their friends, in rushed six fine grenadiers, with a noble fellow of a serjeant at their head, with bayonets fixed and several rounds of ball in their cartouches, expecting to meet (by their looks) the most desperate resistance.

“From the materials thus afforded me by the entrance of the guards, I have combined in one moment what happened at different moments. The characters and soldiers are all portraits; I have only used the poet’s and the painter’s licence, the *quidlibet audendi*, to make out the second part of the story—a part that happens in all elections, viz. the chairing the successful candidates.

“In the corner, on the left of the spectator, are three of the guards drawn up against the door, standing at ease with all the self-command of soldiers in such situations, hardly suppressing a laugh at the ridiculous attempts made to oppose

them. In front of the guards is the commander of the enemy's forces, viz. a little boy with a tin sword; on regular guard position, ready to receive and oppose them, with a banner of Freedom of Election hanging on his sabre. Behind him stands the lord high sheriff, affecting to charge the soldiers with his mopstick and bottle, but not quite easy at the glitter of the bayonets. He is dressed in a magnificent suit of decayed splendour, with an old court sword, loose silk stockings, white shoes, and unbuckled knee bands; his shoulders are adorned with white bows, and curtain rings for a chain hung by a blue riband from his neck. Next to him, adorned with a blanket, is a character of voluptuous gaiety, helmeted by a saucepan, holding up the cover for a shield, and a bottle for a weapon. Then comes the fool, making grimaces with his painted cheeks, and bending his jests at the military; while the lord mayor, with his white wand, is placing his hand on his heart with mock gravity and wounded indignation at this violation of Magna Charta and civil rights. Behind him are different characters, with a porter pot for a

standard and a watchman's rattle; while in the extreme distance behind the rattle, and under the wall, is a ragged orator addressing the burgesses on this violation of the privileges of election.

“Right over the figure with a saucepan is a turnkey, holding up a key, and pulling down the celebrated Meredith, who, quite serious, and believing he will really sit in the House, is endeavouring to strike the turnkey with a champagne glass. The gallant member is on the shoulders of two men, who are peeping out and quizzing.

“Close to Meredith is his fellow-member, dressed in a Spanish hat and feather, addressing the serjeant opposite him, with an arch look, on the illegality of his entrance at elections, while a turnkey has taken hold of the member's robe, and is pulling him off the water-butt with violence.

“The serjeant, a fine soldier, one of the heroes of Waterloo, is smiling and amused, while a grenadier, one of the three under arms, is looking at his serjeant for orders.

“In a corner directly under the serjeant is a dissipated young man, addicted to hunting and

sports, without adequate means for the enjoyment, attended by his distressed family; and he, half intoxicated, has now drawn a cork, and is addressing the bottle, his only comfort, while his daughter is delicately putting it aside, and looking with entreaty at her father.

“The harassed wife is putting back the daughter, unwilling to deprive the man she loves of what, though a baneful consolation, is still one; while the little shoeless boy, with his hoop, is regarding his father with that strange wonder with which children look at the unaccountable alteration in features and expression that takes place under the effects of intoxication.

“Three pawnbrokers’ duplicates—one for the children’s shoes, 1*s.* 6*d.*; one for the wedding-ring, 5*s.*; and one for the wife’s necklace, 7*l.*—lie at the feet of the father, with the *Sporting Magazine*; for drunkards generally part with the ornaments, or even necessities of their wives and children, before they trespass on their own.

“At the opposite corner lies curled up the head-constable, hid away under his bed-curtain, which

he had for a robe, and sily looking as if he hoped nobody would betray him. By his side is placed a table, with the relics of luxurious enjoyment, while a washing-tub, as a wine-cooler, contains, under the table, hock, champagne, burgundy, and a pine.

“Directly over the serjeant, on the walls, are written, ‘The Magesti of the Peepel for ever—huzza!’—‘No Military at Elections;’ and ‘No Marshal!’ On the standard to the left are—*‘Confusion to Credit, and no fraudulent Creditors.’* In the window are a party, with a lady smoking a hooka; on the ledge of the window—‘Success to the detaining Creditor!’ At the opposite window is a portrait of the painter, looking down on the extraordinary scene with great interest. Underneath him is, *‘Sperat infestis.’*

“On a board under the lady smoking is written the order of the Lord Mayor, enjoining peace, as follows:—

“ ‘ Banco Regis, Court-House, July 16th,
in the sixth year of the reign of
George IV.

“ ‘ Peremptorily ordered,

“ ‘ That the Special Constables and
Headboroughs of this ancient Bailiwick do take
into custody all persons found in any way committing a breach of the peace during the procession of
chairing the Members returned to represent this
Borough.

“ ‘ SIR ROBERT BIRCH (Collegian),

“ ‘ Lord Mayor.’ ”


“ ‘ A new Way to pay old Debts’ is written over
the first turnkey, and below it ‘ N.B. A very old
way discovered, 3394 years before Christ;’ and in
the extreme distance, over a shop, is ‘ Dealer in
every thing genuine.’

“ While the man beating the long drum at the
opposite end, another the cymbals, and the third
blowing a trumpet, with the windows all crowded
with spectators, complete the composition, with

the exception of the melancholy victim behind the High Sheriff.

“I recommend the contemplation of this miserable creature, once a gentleman, to all advocates of imprisonment for debt. First rendered reckless by imprisonment, then hopeless, then sottiſh, and, last of all, from utter despair of freedom, insane ! Round his withered temple is a blue riband, with ‘*Dulce est pro patria mori*’ (it is sweet to die for one’s country), for he is baring his breast to rush on the bayonets of the guards, a willing sacrifice, as he believes, poor fellow, for a great public principle ! In his pocket he has three pamphlets “on Water-Drinking, or the Blessing of Imprisonment for Debt,” and Adam Smith’s “Moral Essays.” Ruffles hang from his wrists, the relics of former days : rags cover his feeble legs ; one foot is naked, and his appearance is that of a decaying being, mind and body.”

So that we see Haydon, like Hogarth, worked a moral out of the combined tragedy and farce, and a moral still, as all moral must be, adverse to the system of “imprisonment for debt.” May



there never be another Mock Election among prisoners from misfortune ; but may those whose duty it is to represent the miserable constituency of debtors, disfranchise their gaol-boroughs, and throw them into the great "hundred" of their common country, to vote at liberty for what county they please, and to pay their debts without incarcerating their persons ; so that they may sing—
"Long life to you Sir John Campbell!" for the rest of their days.

CHAPTER VII.

IN WHICH THE AUTHOR DISMISSES THE HERO,
AND TREATS OF OTHER THINGS.

"Vale, vale,"—Good by, Timothy Dickens.

Old Novel.

It may have been observed by our readers, that in our hurry and earnestness in communicating information, we have sometimes left our virtual hero, Charles Montford, in the forgetfulness of imprisonment and debt. We, in fact, deserted *him*, in order to communicate *his* experience to the world. It was very ungrateful, and in common with all ingratitude, it has met its punishment. Mr. Montford returned the compliment of forgetfulness and desertion; and on one especial morning, left the King's Bench without subjecting himself to the ceremony of wishing us good-by. Probably he coincided in the general opinion, that "Farewells are distressing."

Like all men who go to-prison, he had, however, paid the penalty of debt before he left it—he had failed in procuring a letter of licence—his leave of absence from his public duties had expired; and he not returning, or being able to return, was dismissed from his situation in the post office, and thus totally deprived of the means of subsistence. Only one circumstance prevented his starving in gaol. Mr. Dovon, his solicitor, who early perceived that he would be unsuccessful in arranging Montford's affairs, no sooner made the discovery, than out of regard for the family (so he worded it), he wrote to his father, and kindly communicated the information, that his son was in the King's Bench. "His life," narrated the attorney, "had been, previous to his confinement, built somewhat upon the following versified construction.

" Money going—funds not risen,
Income nearly at an end;
Looking forward to a prison,
When he has no more to spend.
Going to the Jew to borrow,
Taken in by 'money lent';
Looking forward then to morrow,
To return it 10 per cent.

“ And moreover,” quoted the attorney in his epistle to the family, “ if he remain—that is, if he is allowed to remain—much longer in prison, I see serious prospects of his degenerating in morals, and falling into a state of destitution, which I can only describe as

“ Almost starving, health decaying ;
Debt enormous, friends all shy ;
Knowing there's no chance of paying,
Looking forward then to die.
Lastly to the churchyard carried,
In a leaden coffin crammed ;
When he's fairly dead and buried,
Looking forward to be —— :

but I am sure you will avert this, by sending me instructions to release your son ! ”

This was cool on the part of the attorney, but it was not coolly received. To Montford's poor mother it was the cause of a serious and alarming illness—to his sister it was a source of affectionate grief. His mother's state of health, however, obliged his father to apply for immediate leave of absence, which he obtained to the extent of fifteen months. The whole family, therefore, shortly arrived home, and, as a consequence, the father's

heir—the mother's darling—and the sister's dear brother — was released. Doubtless his father's respectability procured him credit with his tailor, and we dare say he may be daily seen in one or other quarter of the habitable globe, decently equipped, and like a gentleman. But we are certain that he has learned his lesson. He will never more be extravagant—his name will henceforth be forbidden on the back of bills—by him will hotels be unfrequented and saloons eschewed; but we may add, that nothing but innate principles of virtue, natural sense, and sound education, could have returned him uncontaminated from a gaol. At the same time, our readers will remember, that though his heart was uninjured, his situation was lost; and he might have lingered to starve, but for the turn of fortune which prompted Mr. Dovon's letter, and the return of his family to their native land. From his adventures, we hope that young spendthrifts will take a lesson of prudence, while the story equally remains illustrative of the absurdity of imprisonment for debt! We now turn, as our heading promises, to other things.

There are some persons on whom it is impossible to impress a conviction that death has ever resulted, under hard circumstances, from mere imprisonment. We have more than once mentioned positively in these volumes that it has. We ought also to inform our readers, that when death *does* occur in prison, a coroner's inquest, composed principally of the fellow-prisoners of the deceased, is held within or without the walls, as convenient, and the verdicts usually reflect, in some measure, upon the system which has entailed a loss of life. We conceive ourselves bound to give an actual and authentic case in point of the general justice of such verdicts, in this work; and we have only to regret, that for the benefit of the debtor, and, we may add, the cause of philanthropy, they have not been oftener placed before the public.

The following distressing case will not, we hope, be lost upon the legislature; it proves, at all events, that a man may be imprisoned without incurring debt, and that in gaol he may die without incurring pity.

CASE OF JOHN FITCH,

AND

MINUTES OF THE CORONER'S INQUEST,

Held 17th December, 1826, at the house of ——— Graves, a prisoner in the rules, contiguous to the King's Bench prison, on Monday, the 18th September, 1826, before ——— Piper, Esq., an officer of the Crown-Office, acting for the Coroner of the county.

——— M'Andrews, Esq., M.D., sworn. Is physician to the Surrey Dispensary, and attended deceased professionally, from that institution—had visited him latterly twice a week. Deceased's disorder was from an hemorrhage of the intestines, of long standing, which brought on an enlargement of the prostate gland, and terminated in his death. Could not tell from what it originated. Thinks Fitch would not have died from this disorder, whether he had lived well or ill as to his food. Did not think a high or a low diet material under

a disorder of this nature. The cause of his death, and as to its origin, might be ascertained probably by opening the body. Did NOT KNOW of deceased's wretched condition and diet. Did not observe if deceased had a bed under him; neither if there was a bedstead, or what covering; but remembers there were no uprights, or such part of a bedstead as is necessary to attach furniture to.

Robert King, landlord to deceased, sworn. Is a working brush-maker, at No. 10, — Place, Lambeth Road. Deceased had repeatedly said that his complaint had originated from hard living, and hard lying upon the benches of the chapel in the King's Bench prison, without changing his clothes for two months together; that deceased and his wife, while they lodged with him, were frequently without any thing to eat, or money to get it. Deponent, from knowing this, would, whenever he had any for himself, send them broth. Knows that deceased frequently had not food sufficient to the sustenance of life; has frequently lent him 1s. or 1s. 6d. from such knowledge. Deceased owes 3l. arrear of rent, which,

at 2s. 6d. per week, amounts to twenty-four weeks. Although a working man himself, he let them go into these arrears from a conviction of their extreme distress. Has known deceased pay him 2s. 6d. on account of rent, when he has wanted it for the necessaries of life.

Mary Baker, sister to deceased, sworn. That deceased's complaint came upon him after his committal to the King's-Bench prison, caused by the SUDDEN CHANGE from his regular diet to scarce any at all, and from a good house and home, with a comfortable bed and bedding, to the bare boards of the chapel of the King's Bench prison; and that her brother had no complaint previous to his committal into the King's Bench prison; was not addicted to dram-drinking, but rather of too abstemious habits of living.

Mary Fitch, wife to deceased, sworn. That deceased's illness commenced about ten months previous to his death. That up to his surrender to the King's Bench prison, about that time, he was a healthy, industrious, sober man: had no complaint, no discharge of blood, was not addicted to

the drinking of spirits, but habitually abstemious. That not being able to support nature, under imprisonment and the visitation of illness, they got a fellow-prisoner to draw up a petition, stating their extreme distress, to which Dr. M^cANDREWS SUBSCRIBED HIS NAME IN ATTESTATION OF THE TRUTH THEREOF, and gave them half-a-crown therewith. That this petition was carried by deponent to the Duchess of Buccleugh's house, at Whitehall, and left thereat three weeks, when the porter returned it, with word, "that there was no answer to it." Dr. M^cAndrews visited deceased about twice a week, on his first coming into the rules; discontinued his visits for a time, and recommenced them about two months previous, and until his death. That deceased applied to Dr. Mason, at Walworth, whose answer was, "Fitch, I can do nothing for you, medicine will do you no good; YOU WANT WHOLESOME AND SUFFICIENT FOOD." That Dr. Mason gave them a ticket for the dispensary again. That Mr. Jones, the Marshal, on a representation of the deceased's case, gave him the rules upon the neces-

sary securities, but without any fees for them, or expense to the deceased whatever. That on a representation of their distress to the overseers, they obtained 2*s.* 6*d.* per week from Newington parish, which was afterwards extended to 3*s.* That after this, they were relieved with an additional shilling per week from the treasurer of a society of Methodists at Lambeth.

It appeared that this treasurer found this case of distress out, through the communication of it to him, by Mr. Chant, one of the turnkeys of the King's Bench prison.

Upon being reminded by the juryman who put the question, of the solemnity of her oath, and admonished to divest herself of any acrimonious feelings, she repeated, that her husband, from the day of his surrender to the King's Bench prison, and for two months therefrom, in the middle of last winter, had lain upon the ground in the chapel of the King's Bench prison.

Juryman—What, upon the earth?

Witness—No; upon the boards.

Juryman—What, the floor?

Witness—No; upon the forms. That he had had nothing else under him, or cover over him; and from this want of bed, he had not changed his clothes for that period. That he could not get his out-chummage from his chum, and when in-chummed, he was obliged to lie on the boards; and that it was cold caught upon cold, by lying on the ground, that brought him to the low state under which he lingered out his days. That her husband had had the county money irregularly while within the walls, and only ten shillings of it since he had been in the rules.

Jury—From whence arose this irregularity?

Answered by C. Chant, the turnkey in attendance.—The irregularity arises from a deficiency at times in the county rates. About the time Mrs. Fitch mentions, they were suspended, as understood at the gate, on that account. When these suspensions take place, the prisoners consequently go wholly without, sometimes for months—three months was stated in some instances.

Juryman—When were they resumed?

About three weeks ago; since when, Mr. Hope

has regularly presented himself in the lobby, and paid the prisoners; but that the arrears were never paid up when the payments were resumed.

Witness continued—Understanding a few weeks ago that a large donation in beef was sent to the prison for distribution, deceased applied thereat for some of it, but could get none.

Jury, to the Turnkey in attendance—Mr. Chant, what was done with this beef?

Turnkey—It was divided among those on the poor-box, which they stand in turn with at the gate.

Jury—How many are they? A. Three.

Jury—We understand the whole quantity was about one hundred weight, which must have given those men, besides their exclusive division of the box, more than thirty pounds of this beef per man. Pray is this distribution in conformity to the directions of the donor.

Answered by Allen, a messenger and watchman to the prison.—No; the words of the will are, “That it shall be divided among those on the POOR-SIDE of the prison.”

Fitch's Wife—That deponent and deceased have, on many days, had only a penny loaf between them both, and had been two months without tasting even tea. Milk and water, in addition to the penny loaf, having been their only subsistence. In very few instances, was she able to save pence enough from this pittance, to buy meat sufficient to make a basin of broth, deceased was so much in want of. That the landlord, to whom she acknowledged owing 3*l.* arrears of rent, when he had any for his own meal, sent them a part. From the time of having the rules, had had no bedstead; only a thin flock bed on the ground under them, and two ragged blankets over them. Could not relinquish the 4*s.* per week and this wretchedness for the comforts of the Newington workhouse, because the part of the parish wherein it stands is out of the rules; neither get into any infirmary or hospital where necessaries as well as proper advice are provided for the sick poor, because none of those noble institutions are within them. Could not work from her own weakness, and inability to leave her husband's bedside; and had scarce been

able to darn a few pair of stockings since their illness. That the excessive hemorrhage on her husband, took place about a few weeks since. That Dr. M'Andrews repeatedly said her husband OUGHT TO LIVE BETTER.

John Wear, a tin-plate worker, sworn. Had known the deceased from 1815, living at that time, and until within these ten months, a period of ten years, as a master coach-builder, in very good reputation. Knew him to be in bad circumstances, and in bad health since, from HARD LIVING AND HARD LYING in the chapel of the King's Bench prison, while a prisoner for debt therein. (Where these seats are nailed to the floor, are about nine inches wide; have no declivity as a guard-bed has. If the sleeper thereon slumbers, he may fall and break his neck.) Deceased to his knowledge wanted wholesome food; wanted sufficient to supply the cravings of nature.

Jury.—How did witness know this?—Because he frequently visited him in the prison, and gave him a shilling or two as he could afford, and sometimes food, which he devoured with extraordinary

voraciousness. Was told by Dr. Mason, of Walworth, before mentioned, "That if deceased had proper nourishment, he could get the better of his disorder." The deceased was in execution for a debt of £20 and £30 costs, at the suit of an attorney, a nominal creditor, who had got the bill from him on a promise that he (Fitch) should not come to any injury on it.

It is but justice to say that such a case as the above could never occur under the domination of the present Marshal; but we must once more remark upon the injustice and bad enactments, which left it possible to have occurred under any governing authority. That Mr. Chapman has succeeded Mr. Jones may be matter of congratulation to the present prisoners; but it is no reparation to those who have suffered injury under the misrule, and childish but inhuman obstinacy of the latter gentleman.

A Marshal may represent the King in his department; but he is unlike him in one serious respect—he *can* do wrong. We congratulate the

prisoners of the Bench on being now governed by a gentleman, who, with the power to annoy, does not unite the inclination.

We are now warned by time and space to wind up our Chapter. We gave at the end of our second volume a statement of prison expenses, exhibiting the absurdity of the law of arrest. What will our readers now think of the situation of a poor man who recovered a verdict for a just debt of £3 4s.? It is a fair specimen how such things are managed. The result, in this instance, was first the expenditure of all the money the poor man could raise upon his effects, to the extent of . . . £20 0
A bill of costs from his own attorney . . . 65 19
An imprisonment of near three months

at the suit of his attorney, and a further expense in the insolvent court, where, of course, the attorney did not venture to appear . . . 30 0

£115 19

The plaintiff, in this curious case, was a person of the name of Banks; the defendant, Gregory.

The plaintiff was a cooper, living at Portsmouth, and he brought the action, to recover the value of eight casks made by him for the defendant, who then resided at Newport. The plaintiff having proved the order and delivery of the casks to the defendant, a verdict was given for the plaintiff, damages £3 4s., subject to a suggestion to be entered on the record, so as to deprive the plaintiff of his costs; the cause of action being under £5.

The poor plaintiff having thus lost by the non-certifying of the judge, became responsible to his lawyer for the expenses—his lawyer arrested him—and as we have never presented a bill of costs to our readers, we shall at once transcribe the remarkable document that had been placed in our hands—*Le voici*.

Mr. _____

To _____

In the Common Pleas.

YOURSELF v. GREGORY.

Hilary Term, 1829.

	£	s.	d.
Attending, advising you as to the propriety of commencing an action	0	6	8
Instructions and warrant to sue	0	6	8

	£	s.	d.
Capias and Fees	1	1	0
Writing letter to agent in Newport (defendant living there) with instructions to serve same	0	5	0
Copy and service	0	5	0
Bill of costs and copy	0	2	0
Affidavit of service and oath	0	7	6
Letter to agent at Newport, with instructions to forward me affidavit of service	0	3	6
Letters, postages, &c.	0	4	6
Searching for appearance	0	3	4
Instructions for declaration	0	6	8
Drawing same, folios sixteen	0	16	0
Close copy	0	5	4
Entering same on roll, and paid prothonotary	1	0	0
Ingrossing same to deliver	0	5	4
Notice of declaration	0	2	6
Writing to agent in Newport with instructions to serve same	0	3	6
Paid postages	0	1	8
Copy and service	0	6	8
Rule to plead	0	1	6
Searching for and demanding plea	0	10	8
Attending summons for particulars and copy order	0	4	4
Drawing particulars and copy	0	2	6
Attending to deliver same	0	3	4
Copy pleas	0	1	6
Drawing issues, folios twenty-two	0	7	4
Entering on the roll	0	7	4
Paid prothonotary	0	3	0
Warrant and docquet	0	5	0
Attending to enter the issue	0	3	4
Ingrossing same to deliver	0	7	4
Close copy	0	7	4
Notice of trial	0	3	6
Subpoena	0	1	0

BILL OF COSTS.

259

	<i>£ s. d.</i>
Attending at Wooten Bridge and Newport, Isle of Wight, examining witnesses to insert in brief, and taking down the evidence, being absent the whole day	2 2 0
Paid expenses going to, at, and returning	2 4 0
Making three copies to serve, and service of same on the witnesses	0 15 0
Paid them conduct money	0 3 0
Drawing record	0 6 8
Ingrossing the same, and parchment folios, 26	0 16 4
Paid fees passing	0 16 6
Fee thereon	0 6 8
Venires	0 7 0
Returning and attending	0 8 10
Habeas Corpus	0 7 0
Paid returning and attending	0 8 1
Porterage, booking, and carriage of parcel with record	0 3 8
Attending, taking instructions for brief	0 13 4
Drawing and engrossing two briefs, six sheets each	6 6 0
Attending witnesses to take down their evidence and settling the proofs	0 13 4
Paid Mr. C. F. Williams, with brief and clerk	3 5 6
Attending him	0 6 8
Attending to enter record for trial	0 6 8
Paid entering it, and man	0 19 0
Paid associate	0 10 0
Paid crier and bailiff	0 16 0
Paid for cause list	0 0 6
Attending Winchester Assizes, being necessarily absent in going to, and staying at, and returning six days, having no other cause, at 2 <i>l.</i> 2 <i>s.</i> per diem	12 12 0
Attending trial, verdict for the plaintiff	0 13 4
Expenses, at 1 <i>l.</i> 1 <i>s.</i> per diem	6 6 0
Paid carriage and expenses on the road, going and returning	3 5 0

	£	s.	d.
Paid Mr. Hall, one of the witnesses, for expenses			
going to, and returning from, Winchester	2	2	0
Gave him for loss of time, 10s. 6d. per day	1	11	6
Term Fees and letters	0	18	0
Several attendances on you in the course of this business	1	1	0
Drawing and engrossing bill and copy	0	10	6
	<hr/>		
Total	£65	19	2

October 7, 1829.

All this will, we think, furnish our readers with a fair idea of the facilities for victimising afforded by our existing common law. No one will deny, that it also bears forcibly upon the system of imprisonment for debt. We shall be but too happy, if our efforts in these volumes tend, in the most trifling degree, either to amend the one, or to abolish the other. And in this spirit we turn from the practical evidences of poor Fitch's case, and the lawyer's lengthening bill, to pen the pages of our concluding chapter.

CHAPTER VIII.

THE QUESTION AND ANSWER, WITH WHICH THE
BOOK AND THE ARGUMENT ARE AT AN END.

To be, or not to be?—that is the question.

HAMLET.

SHALL imprisonment for debt longer exist?—
And to you, Reader, before we reply, we put
another query. You have opened at the last
chapter of these volumes,—have you read those
which have preceded it? If you have, you have
plunged for a while into the deep gulf of prison
adversity; and you have seen how variously it
operates upon the human character, and how always
mischievously, whether it be borne lightly, or in
suffering, in sorrow, and as a heavy load! You
have gone down into the dark arena of misfortune,
and you have seen it punished as crime. You

have wound among the tortuous labyrinth-paths of absolute guilt; and you have found in them no greater retribution than is bestowed upon those who are poor, and yet have done no wrong. “*Pallida mors æquo pulsat pede,*” &c. Yes, there is impartiality in “Death,” and also in the Law. You have seen it strike the honest gentleman, and the heartless swindler, with an equal foot! What more? Have you not found the cold and callous usurer counting, not his money, but the victims whom he has held in gaol? Have you not found the wily and treacherous attorney pretending to watch his client’s welfare, while he battled only for his costs,—like an ignorant pauper receiving a sort of moral sacrament, and kneeling at the altar only that he might taste the wine! Have you not found misery unheeded, and toil without reward? Have you not found bad men revelling, and good men starving, in the imprisonment that was common to both? Have you met with justice where you have seen virtue? Have you beheld punishment where you have encountered crime? Have you found that where money has been saved

it could ever have purchased the hearts that imprisonment has broken?—or when men *have* died in suffering, have you found that money has been saved at all? Has the creditor recovered value from the debtor whom he has starved? Have you seen gaols pouring forth pearls of price, or prisoners coining riches to pay off their incumbering dues? With the King's Bench on one side, and the Fleet Prison on the other, have you not passed between the Scylla and Charybdis of the great moral ocean of society?—the one a whirlpool which honesty has been swallowed, the other a rock upon which virtue has been wrecked. In gaol, have the dissipated forgotten their dissipation? or have you not found that extravagance, like a second Circe, has lured them into prison only to turn them into swine? And where is the Ulysses that shall free them from the bondage and degradation that surrounds them there? Have you not mixed, in your travels through our pages, with every grade of society, and with nearly every crime and misery with which society is cursed,—robbery and plunder

—starvation and distress—seduction—suicide—
moral destitution—dishonesty—poverty—debauch-
ery—gracelessness and deceit—insulted feelings—
chilled sympathies—blasphemy encouraged—piety
mocked—morality derided—youth ruined by a
vicious companionship—and the aged and helpless
hurried on their journey to the grave. Have you
not discovered, too, that all this is the effect of a
system? and have you never asked yourself,

“ ——— Can these things be
And overcome us like a summer cloud
Without our special wonder ! ”

Should imprisonment for debt then longer be a
blot upon the charter of English liberty, while we
have legislators who can wipe it out? We will
send you where you shall find your answer.

Go to the honest, hard-working, intelligent man,
whose vigour declines, and whose energies are
wasting in a gaol, because he cannot pay you
twenty pounds. One word he will be strong
enough to answer loudly, “ No ! ”

Go to the home which an execution has just

ransacked of its furniture,—where a mock sale has sacrificed the little property of one who might have saved it had they not shut him within walls of stone,—the very remnants of the wreck, if there be any, will answer, “No !” and the tenantless chambers will resound it with an echo !

Go to the weeping woman, who, with her children round her, is deprived of her husband’s labor and protection, with no domestic comforts—a pious resignation, but little hope. She cannot perchance speak ; her utterance may be choked with sorrow ; but her very tears will answer “No !”

Go the young prisoner whom you find loud in the levity of mirth, as the bird will often sing after it is caged, but never with the wild joyousness of its wood-notes ; and the song which he has learnt in prison will convey to you a moral that shall answer “No !”

Go then to the aged mother of that young prisoner, who may be stealing from the comforts which age requires, to hoard the money that is to take her son from gaol, and who is yet breaking her

heart that he should be there ; and her palsied voice and tearful eye will ever answer " No ! "

Go to the girl, once virtuous as well as lovely, whose seducer had watched her out when she returned from visiting her father in a gaol, and won her (alas ! we could name a hundred such cases) away from right ; at a time when her innocence was unprotected, and her parent unable to avenge her shame. Yes ! go to her in early youth, while the consequences of her error are yet fresh in a warm upbraiding heart ; or visit her in after-time, when prostitution has done its worst, when

—— Conscience will not let her sleep
Remorse, crime, guilt, shame, doubt,
Have formed a phalanx round her heart,
To shut sweet slumber out.

The lost of hope—the dim of eye,
She cannot live—she dares not die.

Go to her in the spring or autumn of her erring life, and her crimson blushes or her haggard looks shall answer " No ! "

Go to the old man who has spent five and twenty years of idle uselessness in a debtors' prison, who

has lost health, and strength, and time, and money, and sight, and memory, and perhaps kindred, in the long term of his imprisonment; he, if he retain speech will answer "No!"

Go to the poor—go the suffering—go the unfed—all will answer "No!"

Go to the respectable tradesman who has imprisoned a few men, and lost the debts which he sought to recover, at the same time that he stopped the livelihood of those whom he had immured; his experience will have sharpened his judgment, and he will answer "No!"

Go to the moralist—the philosopher—and the divine; let one quote arguments of conscience; the second of lofty thought; the last of pure and holy religion; all, if they be not sophists, will answer "No!"

Go to all bad men; to men who have turned their hearts and intellects to bad purposes—the swindler—the usurer—the sharp-practising lawyer—the bill-stealer—the bailiff and the jew; and every one of them will tell you "Yes."

Despise them—disbelieve them—hate them if you will ; but at least turn from them, and—

Go into the great metropolis ; the country town ; the village hamlet ; go wherever there are English hearts and sympathies ; put the question in the midst of the people, and hear if you need wait for the reply. No ! no ! no ! will be the universal answer. It will ring in every dwelling ; it will burst from all lips ; it will be called in the high places ; it will be whispered in lonely homes ; men will shout it aloud ; women will teach it to their children ; and the very youngest of them will lisp out “ No ! ” The black rocks and the mighty hills will echo “ No ! ” The valleys will ring it forth, and the fresh rivers will murmur it as they roll. There is nothing in nature that will be dumb ; the glad earth will speak by the voice of all things that are free upon its bosom ; the flowers that are fair in the field, and yet would fade in the chamber ; the birds that sing upon the branches and are silent in the room ; the grass that grows in the meadow and withers in the barn ; the lion that is a king in the

forest and a savage in the den ; all living and blossoming things that rejoice in liberty, and when they are imprisoned—droop ; will eloquently answer in the language of universal nature “ No ! ”

Then if you be not satisfied, go abroad and bring back the answer from other lands. There (except in France), you will find, that the person, in spite of every other tyranny and superstition, is free for debt ; that men cannot be sacrificed to the love or the recovery of gold, and the bigoted slave, as well as the enlightened patriot, will equally respond to you, when they hear your question, “ No ! ”—All your institutions, they will tell you, are more liberal than ours ; you have vested rights, protected liberties, and a charter and constitution of freedom, and thus, not only are you more unjust, but you are in that point less civilised, and therefore more inconsistent than other nations, in sanctioning imprisonment for debt.

We rejoice to find, towards the end of our labours, that the general detestation of the law of arrest has made itself heard and heeded in the British parliament, and that our legislators, as well

as their constituents, are convinced of its mischievous tendency and its useless and injurious effects.

Sir John Campbell, in one of the opening popular measures of the session, has brought in a Bill for the Abolition of Imprisonment for Debt; and the Attorney General has not objected to its principle. Considering how much that measure must bear upon the whole purpose of our book; remembering, that these volumes may be referred to for information, such as only experience could furnish, by members about to give their vote upon the second reading of the bill, and seeing that Sir John Campbell has quoted a case which we have ourselves given from the defendant, in our first chapter of this volume; and for the plaintiff, in the trial in the appendix;—we feel bound to furnish our readers with the substance of his opening speech, and to make some comments as we go upon those points, upon which the honourable and learned counsellor is right, as well as those upon which, in our humble judgment and experience, he seems to have erred.

On the fourth of this present month of March, 1835, Sir John Campbell rose for the purpose of obtaining leave to bring in a bill to abolish imprisonment for debt, except in cases of fraud, and to amend the law of debtor and creditor. He had had the honour to obtain leave to bring in a similar bill on a previous occasion, and he hoped he should be again successful. As the law now stood, the power of imprisonment was given to every individual in this country against another—a power that did not belong to the common law of England when at first established, or existed in any other country. This power necessarily led to the greatest abuses, and with the permission of the house, he would narrate a case that had come to his knowledge within the last few days. In August last, a foreign gentleman—(the Duke de Cadaval, once the minister of Don Miguel),—with his wife and children, took lodgings in a town in the south of England, and shortly after received a begging letter from a person of the name of Collins, to which he paid no attention. Collins swore an affidavit, that the gentleman owed him 10,000/.,

put in an execution, superintended it himself, and informed the foreigner, that he would be contented if he received a certain sum in part payment. The poor man, though conscious he owed him not a farthing, rather than be sent to Bodmin gaol, actually paid over to his alleged creditor, 500*l*. The foreigner afterwards brought an action to recover the money, and had the satisfaction to recover a verdict before Lord Denman, but not till Collins had spent every shilling of his money.

We must here interrupt Sir John Campbell's speech, to refer our readers to Mr. Collins's case, as stated by himself in our first chapter, and as stated by his opposing counsel at the trial. From what we have heard, we suspect that justice has, in some measure, over-reached its mark, and that Collins had some claim on the Portuguese government; at all events, there are papers in our appendix relating to Captain Johnson, which prove him to have been in Don Miguel's service; and we have heard Johnson state, that he and Collins were in Portugal together. We therefore question whether Sir John's illustration can fairly apply,

although the position which it is intended to exemplify—that any perjurer who chose infamously to swear a debt against another can put him to the expense of an action, or cast him into a gaol, is as true as it is unreasonable, and presents one of the strongest arguments against the law which Sir John Campbell is so laudably seeking to amend. If the illustration be unfortunate, the argument at least is strong. Sir John continued—“Three hundred thousand pounds were now spent amongst sheriffs’ officers and other such people, which ought properly to go to the creditor; and a cruel and harsh creditor, by coming in and sweeping away the whole of the property, could deprive the more moderate one of every hope of recovering a farthing.” And we will add—not only is the law thus unjust as regards the execution; for in the same manner can one creditor deprive a man of his liberty, and keep him in gaol, to the injury of the rest, who would willingly have him free, to earn the money that might eventually pay them “the uttermost farthing.”

Sir John proceeds upon another point:—“Sup-

pose now a debtor were going to embark for America with all the property he had fraudulently collected, it was hardly possible to prevent it, as it was necessary to send up first to London for the documents. He would propose that, upon an affidavit disclosing circumstances to show that the debtor was about to flee from his creditor, any magistrate should have the power of issuing a warrant, whereby the debtor should be retained and committed, or compelled to give security to be forthcoming when called upon." This is a proposition which we hope to see carefully discussed on the second reading of the bill. Each member should consider it, and weigh it well; because, supposing the enactment to pass, it must be framed skilfully, and with a jealous watchfulness over the subject's liberty, as being capable of sad and severe abuse. A similar law has been long in force in France, and it has acted terribly;—to be sure it is there coupled with the power of imprisonment. But it will be seen at a glance that one person having a malicious design against another could stop his departure abroad, whether upon business

or travel, until the vessel in which he intended to leave had sailed, by swearing a debt, real or pretended, against him, and restraining him until he should give bail. This might even affect the mercantile interests of the country, as captains of ships might often be detained upon frivolous pretences; and, indeed, the law would be on this point fraught with mischief, unless wisely and judiciously restricted and controlled. Let our legislators look to this.

Sir John Campbell returned to his argument. "With regard to arrest after judgment, at present, let the debt be ever so small, the debtor was liable to be thrown into gaol, the legitimate object of which proceeding was to get at the property of the debtor, and to make him disclose it, in order to satisfy his creditors. But would it not be much better to allow the creditors directly to get at the property of the debtor, and to compel him to disclose at once what property he had, and not treat him as a criminal? The misfortune of the law was that it made no difference between the honest and fraudulent debtor—between a man who con-

tracted debts he never meant to pay, and the unfortunate man whom unforeseen circumstances had prevented from fulfilling engagements he had every reason to believe when he contracted them he should be enabled to provide for. He therefore proposed that, unless in cases of fraud, or where the debtor, after judgment, refused to disclose his property, or refused to assign it over, or had absconded after judgment, and was not forthcoming, imprisonment should be abolished. His object was to give speedy judgment, speedy execution, and to make property belonging to debtors forthcoming; for which purpose he should propose in his bill that where there were bills of exchange, promissory notes, or instruments to which a debtor had solemnly put his name, there should be immediate judgment and execution, unless the debtor should be able before a judge to give reasonable grounds for delay. All over the continent of Europe where there were such solemn instruments there was immediate execution, and why in England should a debtor be allowed to put his creditor to such enormous expenses as he now did?

The next point was to compel the debtor to be examined, and make a surrender of his goods. The house was aware that at present a debtor might be taken in execution, and might go to gaol and defraud his creditors by taking lodgings within the rules, lead a luxurious life, and waste his substance that belonged to his creditors. If a man became honestly a bankrupt for one hundred thousand pounds he was not sent to prison ; but if a person was unfortunate, and owed another forty shillings, he was liable to be sent to gaol. His next measure was, that all the property the debtor had, of every description, should be subject to the payment of his debts. At present, if a man had a large sum of money in his house, bonds, or bills of exchange, the sheriffs' officers could not take it ; or where there was freehold property only one half could be taken. Copyhold property could never be touched under any circumstances. Was it not preposterous that where a debtor had a large copyhold estate, or possessed, perhaps, 10,000*l.* a year in the funds, he might set his creditor at defiance, or leave England, and thereby enjoy his income.

A court of equity would undoubtedly interfere to prevent a transfer of funded property, but would not prevent him from regularly receiving and spending his dividends. He wished to enact that copyhold lands, bills of exchange, money in the funds, &c., should all be liable for the payment of a man's debts. Now a debtor rendered so by misfortune, could not be discharged from his liabilities without being arrested, incarcerated actually within the walls of a prison for a certain time, and taking the benefit of the Insolvent Act, and any subsequent property he might accumulate being liable for his previous debts. He should propose that an insolvent unable to pay all his creditors should be allowed to declare himself so, to surrender all his property, and, should four-fifths of his creditors declare themselves satisfied with his conduct, be at liberty to begin the world anew, unfettered by previous engagements or debts. When a man entered a prison he was always contaminated by the society he met there, and fell in his own estimation, as well as that of the world. For the purpose of being enabled to defray his ex-

penses through the Insolvent Court and living in gaol he defrauded his creditors; and of all who had been discharged under this act, upon an average, he believed not one out of one hundred paid more than a farthing in the pound. No debtor would, if this bill should pass, have any occasion to secrete money for these purposes, but most likely be enabled to pay a respectable dividend. Where the debtor acted fraudulently, several things, he proposed, should be considered misdemeanors, and punishable as such, that were not now. Where a man had absconded, where a debtor after judgment refused to disclose his property, where a man fraudulently obtained property, or without any reasonable expectation of paying, it should be a misdemeanour. Where three or four men now combined together fraudulently to obtain property they were certainly liable for a conspiracy, but where a man kept clear of others and did it by himself, and obtained merchandise to a large amount, he might sell them to some broker, obtain their value, and screen himself from punishment. The commissioners themselves, who had inquired

into the subject, had declared themselves in favour of the abolition of imprisonment, as were the great majority of the witnesses that had been examined; and he hoped, as he had obtained leave on a previous occasion, he should meet with no opposition on the present to bring in his bill."

Our readers will have gathered from the public prints that the bill was brought in—read a first time—and that it has every likelihood of passing—passing too with a retrospective effect.

We point the earnest attention of the public, and we fervently request the Members of both Houses of Parliament to devote themselves to this point of retrospection. If the Bill pass, it will be in any case a public benefit, but if it abolish imprisonment for debt, for the future, without releasing those who are now confined (unless they have been guilty of fraud or remanded by the Insolvent Court), it will be also a glaring public injustice. Instead of having an universal, it will have a partial operation; and instead of affording liberty to those who have already suffered wrong, it will simply protect those who have not suffered from

the chance of companionship with those whom the Legislature, by passing the Bill, must publicly acknowledge have been grievously and injuriously confined.—Yes, to be sound, the measure must be retrospective. There are hundreds of creditors who, if the bill pass, will never free their debtors until they can ‘pay all.’ They would say, we have you now and we will keep you—and those who have no means of supporting themselves must, but for the charities, starve.

We now turn, in conclusion, to the subject of the approaching discussion in Parliament. We address ourselves to those members who will have the benevolence and the patriotism to speak and vote upon the great question of the Abolition of ‘IMPRISONMENT FOR DEBT.’ We say *speak* and vote, for no one should be silent, who can gather a case, or instance, an example in favour of this noble amendment of a cruel law. And every vote that swells the majority, which we hope to see enforcing it, will be a record of wisdom as well as humanity—of philosophy as well as heart !

To you lords and gentlemen, who represent the

mightier interests of the nation—who sway its destinies, uphold its greatness, and support the institutions under which it flourishes and is free—we trust for strength and remembrance in the hour of need. Go, we implore you, down to the house in which the great question of the poor and unfortunate man's liberty and privileges is mooted—and draw the distinction between adversity and fraud. Stay if you can the cursed power of the cruel man to crush industry and banish hope—stay the arm of the despoiler of peaceful homes—stay the malice of him who has not pity for a widow, and can bear to see a child starve—stay the rudeness of those who can seek a prisoner in a room that is rendered sacred by marriage, and insult the virtuous delicacy of a wife—stay the right of weighing down a human life with a load of gold—stay, in short, one rushing torrent of misery—of persecution—of disgrace—an avalanche of sorrow—under whose snows the heart is hardened—and ambition dies !

With the great and glorious measure of aboli-

tion of imprisonment for debt, you will present the unfortunate (provided it be retrospective) with

———— a sponge to wipe away
The memory of the past,
Forget the fate that death fulfilled
The lot that vengeance cast.

Do not fail then on the day of trial. If you are present, you confer a benefit; if absent, you commit a crime. Surely it must plead something with you to know, that in passing that emancipatory measure you will make young hearts glad, and young faces happy—you will give length of life and enjoyment to thousands of pining men, and millions of their unborn offspring:—you will receive—to-day—to-morrow, and for ever—the blessings of those from whom all blessings come sinless and sincere. Many a woman's heart will be comforted, and many a man's grievances redressed by you: vanished hopes will be brought back, and vanished buoyancy received—and you will go to your homes elated with the triumph of having exterminated a system—that now feeds immorality, and begets crime—cowers honesty—oppresses poverty—shelters the swindler—and

offers mercy to the rogue ! You will have wiped away to that chiefest tarnish of your country's freedom—which has for so many wasting years, left the failing, the persecuted, and the poor—less protected, less happy, and less free, than all the rest of Englishmen.—Before God, then—in the face of JUSTICE, and for your country's honour—away with the unfairness and the infamy of IMPRISONMENT FOR DEBT !

APPENDIX.

COURT OF KING'S BENCH,

SATURDAY, FEB. 21.

*(Sittings at Nisi Prius, at Guildhall, before Lord Denman and
Special Juries.)*

THE DUKE DE CADAVAL *v.* COLLINS.

Sir J. Campbell and Mr. Alexander conducted the plaintiff's case, and Mr. Platt appeared for the defendant.

Sir J. CAMPBELL, in his address to the jury, said this was a case which reflected infinite disgrace upon a fellow-subject, and brought some disgrace upon the country of which he was a native. The defendant, in a manner the most extraordinary, had abused the process of the laws for the purpose of oppressing a foreigner—he might say he had robbed him of the sum of 500*l.*, which he was now seeking to recover. If the defendant had met the plaintiff on the highway, and held a pistol at his breast, and demanded his life or his money, he would not have been morally more culpable than he was by the course he had adopted. This was strong

language, but he felt he was justified in using it. The plaintiff was a Portuguese nobleman of ancient family. In the civil war which had prevailed in Portugal he had attached himself to the cause of Don Miguel, and he was sincerely attached to the House of Braganza. England, to its glory, had ever been the asylum of distressed foreigners, and whether they suffered in the popular cause or were attached to sovereigns who had been hurled from the throne, down to the present time England was distinguished as affording a refuge for the persecuted and oppressed. The Duke de Cadaval, trusting to the kindness and hospitality ever experienced by foreigners in this country, when he was driven from Portugal sought a refuge in England. He arrived in the month of July last, accompanied by his wife and children; he was wholly ignorant of our laws, our customs, and our manners, but he trusted to the faith and honour of Englishmen; he was very bad in health, and in a forlorn condition, and had brought along with him merely the wreck of an ample fortune; he went into lodgings in the town of Falmouth. The plaintiff was a total stranger to Collins, the defendant, and had not even heard of his name. On the 26th July he received a letter from the defendant, which letter showed to demonstration that Collins's subsequent demand was to his knowledge wholly unfounded, and that he knew he was taking a false oath, when he swore by affidavit that a debt was due to him from the Duke, and he knew he was guilty of a robbery by extorting from him the 500*l*. They should judge whether the person who wrote this

letter to the Duke in his own heart believed he had any demand against him. The letter was dated from Platt's-terrace, Somer's-town, and was marked "confidential," and proceeded in this way—"Although I am an Englishman, I have been in Portugal almost all my life, my wife being a Portuguese, and I have ten children. After this introduction, I have to state to your Excellency that in December, 1833, I was fortunate enough to save the precious lives of Don Miguel and the Ministers of Estate, among whom your Excellency was one, by preventing a terrible revolution, the object of which was to assassinate that Monarch and all the Ministers. I have in my possession all the papers concerning such revolution. I did more. I prevented another revolution, which was intended on the 16th of February, 1829, a packet having been sent addressed to me, and I have the honour to send to-day some copies thereof for your Excellency's perusal." The letter then said that he had been promised remuneration by a party of whom the Duke was president, and he called upon him now to do justice in respect to him. This letter was signed "James Coleman, *alias* Thomas Collins." He (Sir John Campbell) would ask whether this was not a mere appeal to the compassion of the Duke, after he had pretended to give an account of the services he had rendered in the cause? The plaintiff received this letter, but he had no means of ascertaining whether the statement was true, and, if true, he had no means of complying with the request which Collins made; he therefore

Brocklebank on Thursday next ; he has also the Fury, a small sailing vessel, now at Blackwall, and which will be cleared out for Madeira this week ; some rockets and stands have been purchased of Mr. Wade, of No. 14, Fenchurch-street, London, and are now on board the Fury with arms, ammunition, &c. A number of desperate characters have joined him in the enterprise, and in case of success he is to receive 10,000 £!!”

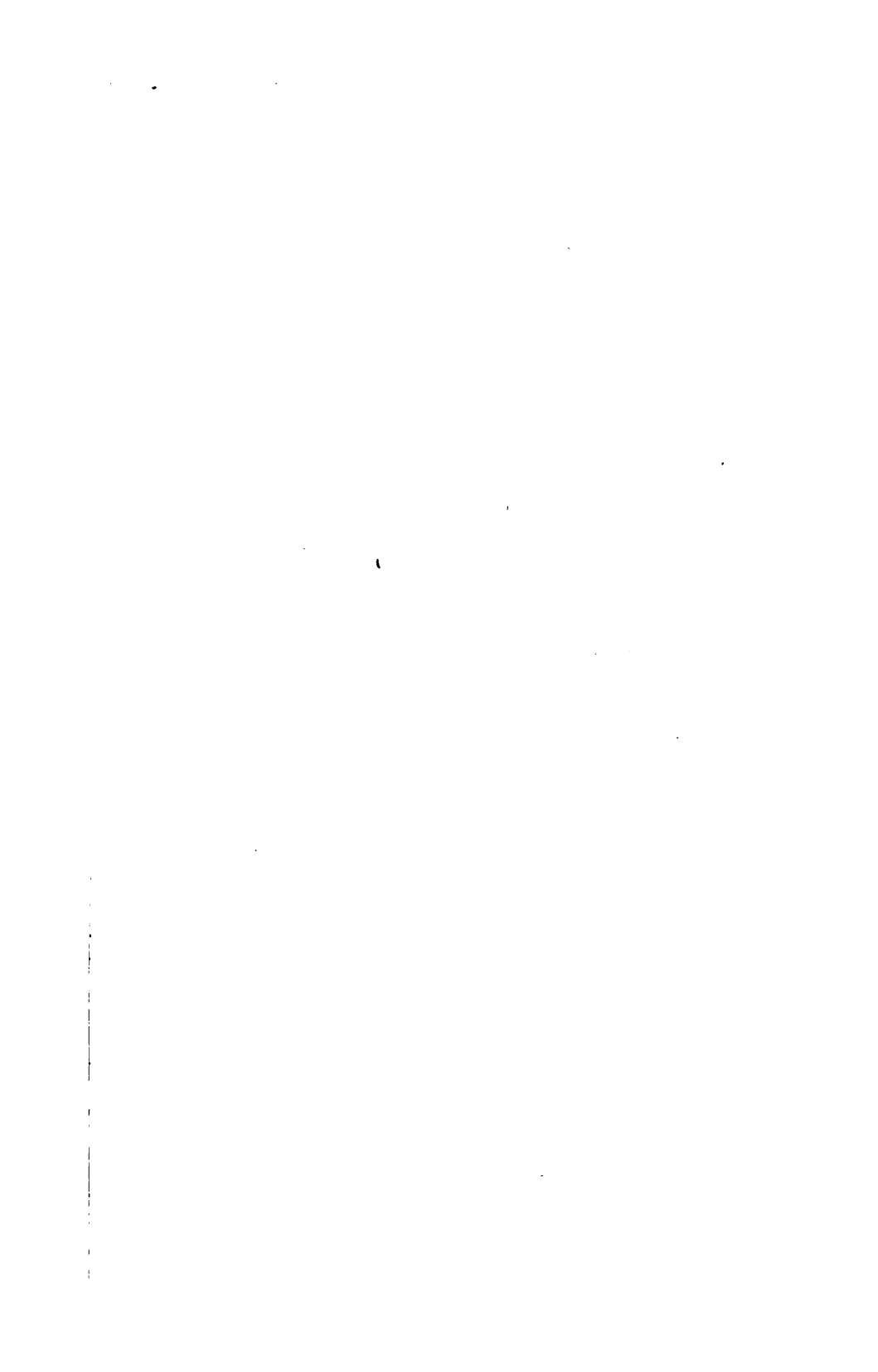
The preceding is a true Extract as aforesaid.

THOMAS COLLINS.

16th Jan. 1834.

LONDON :

BRADBURY AND EVANS, PRINTERS, WHITEFRIARS.



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date

